TOWN OF NORFOLK, MASSACHUSETTS

BYLAWS

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ARTICLE I: TOWN MEETINGS and ELECTIONS

SECTION 1. Annual Town Meeting

The Annual Town Meeting for the election of officers and for the transaction of other business pertaining to the prudential affairs of the Town shall be held on the first Tuesday in May of each year. (3/16/36/ Amended 11/16/73 & 5/24/78)

SECTION 2. Town Clerk

A. All matters in the warrant for the Annual Town Meeting except the election of such officers and the determination of such matters as are required by law to be determined by ballot shall be considered at an adjourned meeting. (3/16/36)

B. The term of office of the Town Clerk shall be three years. (6/7/74)

SECTION 3. Adoption of Operating and Capital Budgets

The voters will meet on the first Tuesday following the Town Election to consider and adopt an operating and capital budget and to act on fiscal subjects or other pertinent matters. This meeting shall be continued to other days until all articles on the warrant shall have been acted upon. All matters on the warrant must be acted upon by June 30 of the current fiscal year. (10/2/90)

SECTION 4. Fall Special Town Meeting

The voters shall meet annually on the Fourth Tuesday in October to consider and act upon matters of planning, zoning, subdivision control, building codes and the adoption or repeal of by laws, as well as to consider and act upon such other business, including the appropriation or transfer of Town funds, as may properly come before the meeting. The meeting shall continue to other days until all articles on the warrant have been acted upon. (10/2/90)

SECTION 5. Warrant for Town Meeting

The warrants for all Town Meetings and elections shall be directed to any of the constables of the Town, and notice of every meeting and election shall be given by posting attested copies of the warrant calling the same at the Town Hall and in at least one public place in each precinct, not less than seven days (7) days before the day appointed for such meeting or election, except that such posting for a Special Town Meeting must be at least fourteen (14) days before the day appointed for such Special Town Meeting. Furthermore, a copy of the warrant for all Town Meetings shall be delivered to each residence not less than seven (7) days, or fourteen (14) days in the case of a Special Town Meeting, before the day appointed for the same. (3/15/36/ Amended 5/30/89)

SECTION 6. Vacancies in Elected Offices

All appointments made to fill a vacancy in an elected office shall be made to fill such vacancy only until the next Annual Election at which time the vacancy shall be filled by election unless otherwise required by the General Laws of Massachusetts. (5/20/77)

SECTION 7. Motion to Reconsider Warrant Articles

At any Annual or Special Town Meeting or any adjournment thereof, a motion to reconsider any article on the Warrant may be made only once and must be made at the same session on which the article was voted. (5/8/81/ Amended 5/3089)

SECTION 8. Voting Procedures at Town Meeting

A. When a two-thirds (2/3) vote of town meeting is required by statute, the Moderator shall make public declaration of the vote and a count need not be taken.

B. If a vote so declared is immediately questioned by seven (7) or more voters, the Moderator shall verify it by polling the voters (5/27/97)

SECTION 9. Regulations for Addressing Town Meeting

A. A full-time employee who is a Department Head or who is the designated spokesman of a Department Head may address the Town Meeting prior to any action on any article which has been sponsored by or directly affects his/her department notwithstanding his or her domicile or citizenship.

B. A consultant or other expert retained by a department, board, commission, committee or elected official may address the Town Meeting prior to any action on any article related to the service performed by said consultant or other expert notwithstanding his/her domicile or citizenship.

C. Any appointed commission, board or committee member, may address the Town Meeting prior to any action on any article which has been sponsored by or directly affects his/her commission, board or committee, notwithstanding his/her domicile or citizenship. (5/27/97)

ARTICLE II: FINANCIAL AFFAIRS

SECTION 1. Written Approval for Payment of Bills

No bill or charge of account against the Town shall be paid without the approval in writing first being obtained of the person, board or committee authorized to contract the same. (3/16/36)

SECTION 2. Unexpended Appropriations

Any portion of any appropriation remaining unexpended at the close of the financial year shall revert to the Town Treasury; unless otherwise provided by law. (3/16/36)

SECTION 3. Fees to be Paid to the Town Treasury

All Town officers, members of boards, inspectors and Town employees shall pay all fees received by them by virtue of their office into the Town Treasury. (5/20/77)

SECTION 4. Denial of Licenses and Permits for Nonpayment of Taxes and other Fees

Any permit granting or licensing authority is authorized in accordance with the provisions of MGL, Chapter 640 of 1985 to deny any application for or revoke or suspend any local license or permit including renewals or transfers issued to any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charge except that such bylaw shall not apply to:

A. Open burning permits under Chapter 48, Section 13;

B. Bicycle permits under Chapter 85, Section 11A;

C. Sales for charitable purposes under Chapter 101, Section 33;

D. Child work permits under Chapter 149, Section 69;

E. Club, food or beverage licenses under Chapter 140, Section 21E;

F. Dog licenses under Chapter 140, Section 137;

G. Marriage licenses under Chapter 207, Section 28;

H. Theatrical or public exhibition permits under Chapter 140, Section 181. (11/25/86)

SECTION 5. 30 Day Requirement for Town Bills and Charges

All charges and bills from the Town shall be due and payable thirty (30) days after the date of mailing. If such charges remain unpaid after said thirty (30) days, interest shall accrue at the rate at which interest may be charged on tax bills under the provisions of MGL, Chapter 59, Section 57. (11/24/89)

SECTION 6. Department of Municipal Finance

A. There shall be a consolidated Department of Municipal Finance as provided for under Massachusetts General Laws, Chapter 43C, Section 11, which shall be responsible for all the fiscal and financial affairs of the Town of Norfolk and for the supervision and coordination of all activities of all government agencies in relation to any fiscal or financial matters. This department shall include the following existing entities, which shall become divisions of the consolidated department: Accountant, Treasurer, Tax Collector and the Assessors Office, including the Board of Assessors. Additionally, the functions of budget coordination shall also become part of the responsibilities of this department. Any consolidation of School Department administrative functions with the consolidated Department of Municipal Finance shall be conducted under the provisions of Massachusetts General Laws, Chapter 71, Section 37M.

B. There shall be a Director of Municipal Finance/Town Accountant reporting to the Town Administrator, who shall be appointed by the Town Administrator with the advice and consent of a majority of the Board of Selectmen. In the event of the absence of a provision in the bylaw, describing the appointing authority of the Town Administrator, the Board of Selectmen shall have and possess the power of appointing the Director of Municipal Finance. The term of office for the said position shall be three (3) years. All other conditions of employment will be outlined in the provisions of the Town Personnel Bylaws. The Director shall be fully qualified by training, experience and executive ability to discharge the duties of the office. Further, the department will initially include the position of Finance Assistant to Accountant, which will include but not be limited to performing the duties currently discharged by the Assistant Town Accountant.

C. The existing offices of Town Treasurer and Tax Collector shall be combined into one position of Town Treasurer/Collector (see paragraph J). This office shall be responsible for all treasury and collection functions of the Town. This division of the department shall also initially include the position of Finance Assistant to the Treasurer/Collector, which shall perform but not be limited to discharging the current duties of the Assistant Treasurer. The Town Treasurer/Collector, an officer of the Finance Department reporting to the Director of Municipal Finance, shall be appointed by the Director of Municipal Finance with the advice and consent of the Town Administrator subject to confirmation by a majority of the Board of

Selectmen and all of whose conditions of employment shall be subject to the provisions of the Town Personnel Bylaws.

D. The Director of Municipal Finance, in consultation with the Board of Assessors, and with the advice and consent of the Town Administrator, subject to confirmation by a majority of the Board of Selectmen, shall appoint a Chief Assessor. The Chief Assessor, an officer of the Department of Municipal Finance, reporting to the Director of Municipal Finance, shall be responsible for management of all the assessing functions for the Town of Norfolk. An elected three member Board of Assessors shall be a part of the Department of Municipal Finance, and shall continue to make decisions on any matters of statutory independence, which they are required to make under Massachusetts General Laws.

E. All officers appointed by the Director of Municipal Finance shall be appointed for a term of up to three (3) years and may be removed for just cause as determined by the Director of Municipal Finance with the advice and consent of the Town Administrator, subject to the provisions of the Town of Norfolk Personnel Bylaws. Further, all personnel working in any division within the consolidated department shall be appointed by and be subject to the general supervision of the Director of Municipal Finance. The Director of Municipal Finance may, from time to time, with the advice and consent of the Town Administrator, and as needed, reorganize the duties and responsibilities of the offices of the Department and its personnel.

F. The functions of the consolidated Department of Municipal Finance shall include the following:

1) Coordination of all fiscal and financial activities and services;

2) Maintenance of all accounting records and other financial statements;

3) Payment of all financial obligations;

4) Receipt of all fines due, either directly or via the responsible Department Head;

5) Assistance to all other Town departments or offices in any matter related to financial affairs;

6) Specifically, discharge the duties of Town government related to accounting, treasury, revenue collection, payroll processing, assessing and financial risk management;

7) Responsible for financial planning, and coordination of all financial planning and the capital budgets;

8) Monitor the expenditures of all funds, including periodic reporting to the appropriate agencies of the status of accounts;

9) Such matters as may be determined necessary from time to time by the Town Administrator and the Board of Selectmen.

G. The Director of Municipal Finance shall be responsible for coordinating the annual Town operating budget process as well as the capital budget process. This would include activities such as requests and guidelines for department budgets, preparation of financial forecasts of receipts, working with and providing necessary advice to the Town Administrator, the

Board of Selectmen and the Advisory Committee during their evaluation and consideration of the Town budget, consolidating and preparing the final budget submission to the Town Meeting, and the timely issuance of the tax bills after the passage of an approved budget and the setting of the tax rates.

H. It is the intent of this bylaw that upon the appointment and assumption of office by the Director of Municipal Finance/Town Accountant, the terms of the existing Treasurer, Collector and Accountant shall terminate, but the persons in those offices shall continue as the head of their respective divisions under the direction and supervision of the Director, until the date that their present terms of office would have expired or when the position becomes vacant, with the same salary and benefits.

I. While it is the intent of this article to create a Department of Municipal Finance under the management of a Director of Municipal Finance who initially will also be the Town Accountant, the Director of Municipal Finance may also serve as Treasurer/Collector, Chief Assessor, Accountant, or any combination of the above, provided that no one person shall hold both the Accountant and Treasurer/Collector positions at the same time. Likewise the officers appointed may serve in more than one capacity provided that Accountant and Treasurer shall not be combined.

J. If any of the provisions of the bylaw proposed by this article is deemed to be unconstitutional or invalid, the remaining provisions of the proposed bylaw shall not be affected thereby. (5/31/94)

ARTICLE III: COMMITTEES

SECTION 1. Committees (General)

A. It shall be the duty of the board or person making the appointment to immediately notify in writing all members of the committee, including the Advisory Committee that may be appointed, stating the name of the committee and the business assigned to it. (5/8/81)

B. It shall be the duty of the member designated as Chairman or first named of any other committee chosen by the Town to promptly call the members thereof together for organization. (3/16/36)

C. It shall be the duty of all committees appointed prior to any Town Meeting to make a report at said meeting, unless otherwise instructed upon matters referred to them. (3/16/36)

SECTION 2. Advisory Committee

A. At the first annual Town meeting following the date on which this bylaw becomes effective, the Moderator shall appoint after final adjournment thereof, a committee to be known as the Advisory Committee consisting of nine citizens, none of whom shall hold any office, either elective or appointive, other than membership on this Committee and the Capital Outlay Committee. Upon the election or appointment of any member of this Committee to any other Town office, his or her membership on this Committee shall cease. (3/16/36/ Amended 5/30/75)

B. The term of Advisory Committee members shall commence on the first day of the Fiscal Year following adjournment of the Annual Town Meeting and shall cease on the last day of the Fiscal Year three (3) years later. (3/16/36/ Amended 9/15/81)

Said Committee to be appointed as follows: three members for a term of one year, three members for a term of two years, and three members for a term of three years, and before the final adjournment of each annual Town meeting thereafter, the Moderator shall appoint their successors for a term of three years and shall also fill any vacancy which may occur in its membership. (3/16/36)

C. To this Committee shall be referred all articles involving the appropriation or expenditure of money and to it may be referred any other article in any Town warrant issued during its term of office; and it shall be the duty of the said Advisory Committee, after due consideration of the subject matter of such articles as are referred to it, to report in writing such recommendation as it shall deem for the best interests of the Town. (3/16/36)

D. The Committee shall organize by choosing a Chairman and a Clerk who shall cause to be kept a true record of all its proceedings. (3/16/36)

E. The Selectmen, with the approval of the Chairman of the Advisory Committee, shall provide a suitable place in which to hold its meetings, and the Committee shall hold such meetings as it may find necessary for the purpose of affording opportunity to those interested in the various articles to be heard. (3/16/36)

F. Said Advisory Committee may require the various officers and boards of the Town to meet with it at such time and place said Committee shall appoint for the purpose of information and consultation upon matters referred to it, and it shall be the duty of said officers and boards to so meet the Committee; provided, however, any information may be withheld when in the opinion of the said officers or boards the communications thereof might injuriously affect the interest of the Town. (3/16/36)

SECTION 3. Capital Outlay Committee

A. A committee to be known as the Capital Outlay Committee shall be established, composed of two (2) members of the Town Advisory Committee appointed by and from it, and five (5) additional members to be appointed by the Selectmen.(5/10/05)

B. One member from the Advisory Committee and two at large shall be appointed for one year terms. The other appointees and all replacements shall be appointed for two years and in the manner of the original appointments.

C. The Committee shall annually prepare a Capital Budget for use by the Advisory Committee, the voters, other Town boards and officials in their deliberations. The Committee shall publish such report or summary thereof in a suitable manner and deposit the original with the Town Clerk. (3/21/66/ Amended 3/20/67 & 5/25/88)

SECTION 4. Council on Aging

A. A Council on Aging of eleven (11) members shall be appointed by the Board of Selectmen, following recommendations made by the Council, for three year overlapping terms on the following cycle: 4 members in the first year; 4 members in the second year and 3 members in the third year. Members appointed or reappointed may serve more than two (2) consecutive terms, beyond June 2003, only if each pair of consecutive terms is followed by at least one year of non-membership. Members shall serve without compensation. Any vacancy on the Council shall be filled by the Board of Selectmen following recommendations made by the Council.

B. After appointments are made by the Board of Selectmen and at its first meeting and thereafter annually in June, the Council on Aging shall elect a Chairperson, Vice Chairperson, Secretary and Treasurer. In the event a vacancy occurs in any of these offices, the Council shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

C. The Council shall coordinate and carry out programs designed to meet the problems of aging persons in cooperation with the programs of the Department of Elder Affairs established under Chapter 19, Section 1, of the Massachusetts General Laws.

D. The Council shall prepare and submit an Annual Report of its activities to the Town and shall send a copy thereof to the Department of Elder Affairs. The Council may appoint such clerks and other employees as it may require. (3/27/72/ Amended 10/22/02)

SECTION 5. Bylaw Committee

A. A committee to be known as the Bylaw Committee shall be established. Such Committee shall consist of five (5) members appointed by the Moderator. In making original appointments, the Moderator shall appoint two (2) members for a term of three (3) years, two (2) members for a term of two (2) years and one (1) member for a term of one (1) year. Thereafter, before the close of the Annual Town Meeting, the Moderator shall appoint two (2) members or one (1) member as may be required for a term of three (3) years to fill the places of such members whose terms have expired. No person shall be deemed ineligible to serve successive terms on such Committee. The Moderator shall make interim appointments as required to fill the unexpired term of any member ceasing to serve.

B. The Bylaw Committee shall maintain a current record of all amendments to the Town Bylaws, any discretionary provisions of the General Laws of the Commonwealth accepted by the Town and any Special Acts of the General Court affecting the Town. The Committee shall prepare codification of all the foregoing for publication at such intervals as shall be warranted by the fact of major additions or revisions thereto.

C. The Bylaw Committee shall make periodic review of the need for amendment or revision of the Town Bylaws and make appropriate recommendations to Town Meeting with respect to proposed action thereon. (5/30/75)

SECTION 6. Permanent Building Committee

A. A Committee to be known as the Permanent Building Committee shall be established. Such Committee shall consist of five (5) members appointed by the Board of Selectmen.

B. In making original appointments, the Board shall appoint two (2) members for a term of three (3) years; two (2) members for a term of two years; and one (1) member for a term of one (1) year. Thereafter, before the close of the Annual Town Meeting, the Board shall appoint two (2) members or one (1) member as may be required for a term of three (3) years to fill the places of such members whose terms have expired. No person shall be deemed ineligible to serve successive terms on such Committee. The Board of Selectmen shall make interim appointments as required to fill unexpired terms of any member ceasing to serve.

C. The Permanent Building Committee shall consider the request for any department, board, Town officer, or the Town Meeting for the construction, reconstruction or addition to Town buildings and other park, recreation or school facilities and report promptly each such

request and the recommendation of the Committee to the Town Meeting.

D. The Permanent Building Committee, following Town Meeting approval and appropriation for any construction, reconstruction or addition to Town buildings or facilities, may award such contracts in the name of the Town as may be necessary to accomplish the vote of the Town Meeting and will have general supervision and review of construction and completion of any construction project for which the Town Meeting has made an appropriation. (5/20/80)

SECTION 7. Community Preservation Committee

A. Purpose
A Community Preservation Committee is hereby established pursuant to Section 5 of Chapter 44B of the Massachusetts General Laws, as authorized by Chapter 267 of the Acts of 2000, whose purpose is to make recommendations to the Town Meeting for community preservation.

B. Definitions
The terms used herein and not otherwise defined shall be given the definitions set forth in Sections 1 and 2 of the Massachusetts Community Preservation Act.

C. Membership and Appointment
The Community Preservation Committee shall consist of nine (9) appointed members. The nine (9) members of the Community Preservation Committee shall consist of the following members:

1) One member of the Conservation Commission established under Section 8C of Chapter 40 as designated by such Commission;

2) One member of the Historical Commission established under Section 8D of Chapter 40 as designated by such Commission;

3) One member of the Planning Board established under Section 81A of Chapter 41 as designated by such Board;

4) One member of the Recreation Commission established under Section 2 of Chapter 45 as designated by such Commission;

5) One member of the Housing Authority established under Section 3 of Chapter 121B as designated by such Authority;

6) Four citizens appointed by the Board of Selectmen;

7) The four citizens appointed by the Board of Selectmen pursuant to Section C (6) herein shall be chosen one from each of the four precincts;

8) The Director of Municipal Finance shall be an *ex officio*, non-voting member of the Community Preservation Committee.

D. Terms of appointment
1) The terms of the Community Preservation Committee members appointed by the Conservation Commission, Historical Commission, Planning Board, Recreation Commission and Housing Authority as provided in Section C (1-5) shall be for one (1)

year, and such boards and commissions shall appoint their respective designee annually.

2) The terms of the Community Preservation Committee members appointed by the Board of Selectmen as provided in Section C (6) shall be for three (3) years, except for the first appointments made pursuant to this bylaw, in which case two appointments shall be two (2) year appointments and two appointments shall be three (3) year appointments.

3) The members of the Community Preservation Committee may be reappointed for as many terms as authorized by the appointing authority.

4) All appointments become effective upon being duly sworn in by the Town Clerk.

E. Powers and Duties
The Community Preservation Committee shall have all of the powers and duties intended for such committees as set forth in Section 5 of the Massachusetts Community Preservation Act, which include, among others, the following:

1) To make recommendations (including anticipated cost information) to Town Meeting for the acquisition, creation and preservation of open space including land for recreational use, for the acquisition and preservation of historic resources, and for the creation, preservation and support of community housing;

2) To submit an annual administrative and operating budget for the Community Preservation Committee, which cannot exceed five percent (5%) of the annual revenues in the Community Preservation Fund, to Town Meeting for approval;

3) To establish rules and regulations for its operation, election of officers, conduct of public hearings and performance of any and all other administrative acts as are within the scope and intent of the Massachusetts Community Preservation Act or this bylaw, as necessary to accomplish the purposes of the Massachusetts Community Preservation Act and this bylaw.

F. As provided in the Massachusetts Community Preservation Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting. (5/5/01)

ARTICLE IV: LEGAL AFFAIRS

SECTION 1. Authority of Selectmen to Institute, Prosecute and Compromise Suits

The Board of Selectmen shall have the full authority as agents of the Town to institute, prosecute and compromise suits in the name of the Town and to appear, defend and compromise suits brought against it and to appear in proceedings before any tribunal unless it is otherwise especially voted by the Town. (3/16/36)

SECTION 2. Appointment of Town Counsel

The Selectmen may appoint a Town Counsel who shall at all times furnish legal advice to any officer of the Town and may require his opinion upon any subject concerning the duties incumbent upon such officers by virtue of his office. He shall, whenever his services are required, appear in the prosecution or defense of suits and actions in which the Town is a party

and appear at any and all hearings in behalf of the Town. And said Board shall have full authority to employ special or additional counsel if necessity arises. (3/16/36)

SECTION 3. Authority of Town Treasurer to Execute Deeds

Whenever it shall be necessary to execute any deed conveying land or any other instrument required to carry into effect any vote of the Town, the same shall be executed by the Town Treasurer in behalf of the Town unless the Town shall otherwise provide in any special case. (3/16/36)

SECTION 4. Responsibility of Town Clerk to Keep Copies of Deeds

The Town Clerk shall keep in a book devoted to that purpose alone, a true copy of all deeds and conveyances executed in behalf of the Town by any Town officers. (3/16/36)

ARTICLE V: RECORDS AND REPORTS

SECTION 1. Annual Reports of Committees on Expenditures

All boards, standing committees, special committees or officers of the Town having charge of the expenditures of the Town shall annually report thereon in such manner as shall give the citizens a fair and full understanding of the objects and methods of such expenditures referring, however, to the Town Accountant Report for specific details, and shall make therein such recommendations as they deem proper. (3/16/36/ Amended 5/24/78)

SECTION 2. Annual Reports delivered to the Board of Selectmen

All reports shall be placed in the hands of the Board of Selectmen for printing as soon as possible and not later than the tenth (10th) day of February of each year. (3/16/36)

SECTION 3. Printing of the Annual Reports Prior to Town Meeting

The Board of Selectmen shall annually cause to be printed and distributed not less than five (5) days before the Annual Town Meeting among the taxpayers of the Town, the reports of the various officers and boards of the Town and reports upon such matters as are directed by the Town and these bylaws. (3/16/36)

SECTION 4. Responsibility of Board of Selectmen to Prepare Annual Budget

The Board of Selectmen shall in addition to the requirements of Section 2 of this article, report their estimate of the amounts of money which will be required for the current financial year. (3/16/36)

SECTION 5. Responsibility of Town Clerk to Furnish Town Meeting Records

The Town Clerk shall furnish for publication in the Annual Town Report the official records of all Town Meetings during the preceding year. (3/16/36)

SECTION 6. Responsibility of Town Accountant to Furnish Information on Borrowing

In this Annual Report, the Town Accountant shall state specifically the objects for which the debt of the Town was increased if so increased during the preceding year, and recite the votes under which the money was borrowed and shall render a classified statement of all expenditures and receipts of the Town in such detail as shall give a fair and full exhibit of the objects and methods of all expenditures. (3/16/36/Amended 5/24/78)

SECTION 7. Publication of Property Valuations in the Town Report

In the Town Report for the year 1940, and for every fifth (5) year thereafter, shall be printed the property valuation of estates made by the Assessors for that year or an abstract thereof. Further, the Assessors shall publish each year in said Report a list of all taxes abated during the year together with the reasons for such abatement. (3/16/36/Amended 5/30/75)

ARTICLE VI: CONTRACTS

SECTION 1. Town Employees Prohibited from Selling Materials to the Town

No Town officer and no salaried employee of the Town or any agent of any such officer or employee shall sell materials or supplies or furnish labor to the Town by contract or otherwise without permission of the Board of Selectmen or other board authorized to purchase or otherwise secure materials, supplies and labor for the Town, expressed in a vote which shall appear on the records of such board with the reason therefore. All such contracts or agreements shall be made or awarded as far as is practicable, in such manner as to secure reasonable competition. (3/16/36)

SECTION 2. Compliance with the Massachusetts Uniform Procurement Act

All contracts for goods, equipment or services in the Town of Norfolk will be put out to competitive bid in conformance with Chapter 30 B, the Uniform Procurement Act of the Commonwealth of Massachusetts. (5/7/91)

SECTION 3. Bid Procedures

The bids shall be sealed, properly endorsed and kept under lock and key until opened at the time stated, in the presence of the board, committee or officer authorized by the Town to make the contract. No bids shall be received after the time advertised for opening. Any or all bids may be rejected. (3/16/36)

SECTION 4. Performance Bond Requirement

Every contract exceeding $2,000 shall be accompanied by a suitable bond for the performance of same, or by the deposit of money or security to the amount of such bond. (3/16/36/Amended 3/18/63)

SECTION 5. Review of Contracts by Town Accountant

No contract for equipment, goods, services or a labor agreement shall be signed until the contract has been reviewed by the Town Accountant. Said review shall be expeditious and shall not be unreasonably withheld.

ARTICLE VII: LAND USE AND RESOURCE PROTECTION

SECTION 1: Earth Removal

A. Definitions
For the purpose of this bylaw, "Earth" shall include soil, loam, sand and gravel. "Board" shall mean the Board of Selectmen of Norfolk.

B. Basic Requirements

No earth shall be moved, stripped, stockpiled or removed from any parcel of land within the Town to another parcel either within or without the Town except as set forth in Paragraph O. Exceptions to this prohibition may be made by the Board of Selectmen by its granting of a Special Permit after a finding by the Board of Selectmen that each of the following criteria have been met:

1) Uses allowed as a matter of right, by the zoning bylaws or granted by a Zoning Special Permit can only be exercised by the granting of an earth removal Special Permit by the Board of Selectmen.

2) The proposed earth to be removed is the absolute minimum required to remove a physical hardship;

3) The removal of earth will not cause a nuisance, or be a detriment to the surrounding areas or along the route of transportation, or cause an adverse effect. An earth removal operation shall be deemed to cause an adverse impact to the Town or to property in the vicinity of the site if it:

    a) May reasonably be expected to significantly increase surface water flow off the site or to result in any adverse impact on surface water or public or private drinking water wells;

    b) May produce noise, dust or other effects that may be detrimental to the amenities, aesthetics or normal use of property in the neighborhood;

    c) May result in a change of topography and cover that will render development of the site in accordance with the approved site plan more difficult or costly;

    d) May have an adverse effect on public health or safety or on the health or safety of persons living, working or otherwise present in the neighborhood; or

    e) May unduly frustrate the long-term recreation and open space planning objectives of the Town.

4) The removal of earth will be accomplished as part of the development of an approved overall project, subdivision approval, site plan approval, or building permit.

C. Grandfather Clause: Special Permits for earth removal granted by the Board of Selectmen prior to June 1, 1989 and which are in the excavation and removal process may be renewed at the discretion of the Board of Selectmen. (5/31/89)

D. Any person or corporation applying to remove earth from a location in the Town of Norfolk shall file an application with the Board of Selectmen, the Building Inspector, the Board of Assessors, the Board of Health, and the Earth Removal Advisory Committee. New applications will be received only by the thirty-first (31st) day of January and by the first (1st) day of June of each year unless granted a waiver by the Board of Selectmen for extraordinary circumstances. (5/8/80/Amended 5/31/89)

E. The Earth Removal Advisory Committee shall consist of the Building Commissioner, a Planning Board member as designated by such Board, a member of the Board of Assessors as designated by such Board, a Conservation Commission member as designated by such Commission, a member of the Board of Health as designated by such Board and a citizen

who is an engineer as appointed by the Board of Selectmen. (5/9/06).

F. The Building Inspector, the Board of Assessors, the Board of Health and the Earth Removal Advisory Committee shall file written reports of their recommendations on the application with the Board of Selectmen at the public hearing held under the terms of this bylaw. The Board of Selectmen shall not take final action on any application until it has received said reports or until twenty-one (21) days have expired after said public hearing and without receipt by the Board of Selectmen of said reports. (5/31/89).

G. The Committee shall from time to time file such reports or recommendations for the revision of the earth removal bylaws as the Selectmen may require or as the Committee shall deem necessary or desirable.

H. Application for a Special Permit
All applications for Special Use Permits shall be accompanied by exhibits and documentation deemed necessary by the Board of Selectmen for the proper issuance of a Permit. Exhibits of documentation shall include but not be limited to the following:

1) The street location of the proposed excavation; the proposed depth of excavation and the elevation of the highest annual high water table as determined by the test pits and soil boring. (5/21/85);

2) Name and address of the legal owner of the land in question;

3) Name and address of the petitioner, if different;

4) Names and addresses of all owners of property within one hundred (100) feet of the property lines of the land;

5) Ten (10) copies of a plan of the land prepared by a Registered Engineer or Land Surveyor drawn to a scale of forty (40) feet to the inch including land boundaries, adjacent streets, location of all structures upon the land, original topography by two (2) foot contours, proposed final topography by two (2) foot contours, the limits of proposed earth moving operations, the location and use of all proposed structures to be erected and used in connection with the earth moving operation, the depth of loam at forty (40) foot intervals along original contour lines and drainage provisions to be made after completion of the project;

6) The plan shall bear appropriate cross sections and a computation of the volume of material to be moved, stockpiled, stripped or removed, certified by the person preparing the plan. (5/31/89);

7) A statement estimating the quantity of material to be moved;

8) The proposed form of bond to be used;

9) Statement of plans for the disposal of rock, tree stumps, and other waste materials, and for the drainage site and excavation during and after the removal operations. For operations within five hundred (500) feet of wetlands, the application shall include a statement of plans for the protection of any portion of an underground water source or supply including, without limitation, springs, wells and underground reservoirs or aquifers. (5/8/80)

I. A public hearing shall be held on each application for a Permit under this bylaw. The Board shall cause a notice of the public hearing to be published at the expense of the applicant in a daily or weekly newspaper in general circulation in the Town at least fourteen (14) days prior to the date of said hearing. The notice shall set forth the name of the applicant, the nature of the operation for which a Permit is requested, the volume of material to be moved, stripped, stockpiled or removed and the location of the premises. Every applicant or an agent in his behalf shall, within three (3) days after publication as herein provided, cause a copy of the published notice to be sent by certified mail, return receipt requested, to each of the persons appearing upon the Assessors' most recent valuation list as the owners of property abutting the premises for which a Permit is sought together with those persons appearing as owners across any public or private way from said premises. An affidavit of the applicant or of the person mailing such notice in his behalf together with a copy of the notice mailed and the post office receipts for the certified mailings herein required, shall be filed with the Board as the first order of business at the public hearing. Such affidavit shall be *prima facie* evidence that notice has been given in compliance herewith. (5/24/90).

J. The Board shall be and hereby is authorized to set a reasonable application fee for all original and renewal applications for a Special Use Permit.

K. The Board of Selectmen shall be and is hereby authorized to determine the costs of any engineering fees incurred in the measurement of earth removed or to be removed under such Permit. The engineering fees charged for each Permit issued or renewed will be paid by the applicant. (10/8/79)

L. The applicant shall provide plans of the proposed use with the necessary documentation to demonstrate the need for earth removal and proof that the proposed removal constitutes the minimum removal required.

M. Requirements for a Special Permit

1) In approving the issuance of a Permit, the Board of Selectmen may impose reasonable requirements which shall constitute a part of the Permit and which may include but not be limited to: grading, seeding and planting, construction of necessary fencing and other protection against nuisances, methods of removal, location and use of structures, hours of operation, the duration of the removal operation, routes of transportation of material removal, control of drainage, disposition of waste incident to the operation, providing of adequate vegetation. Any conditions so imposed by the Board shall be endorsed upon the Permit issued to the applicant.

2) The Board shall require suitable bond or other security adequate to assure compliance with the provisions of the bylaw.

3) The area excavated during the duration of the Permit shall be restored to conform to the natural state of the area and surrounding areas by grading, re-top soiling, top soiling, and planting so that all scars resulting from the removal operation are eliminated annually during the period of the Permit and any subsequent renewals. Such restoration shall be completed within thirty (30) days of the termination of the Permit or any renewal thereof.

4) No applicant for an Earth Removal Special Use Permit shall reapply for a one (1) year period following the date of denial of the application of a Permit for earth removal by the Board of Selectmen.

5) No Permit shall be issued until the owner of the site has granted to the Town an easement over the land in question and conveys to the Town the legal right to enter upon said land with equipment and personnel for the purpose of making acceptable restoration in accordance with the approved restoration plan in the event of default of such restoration specific in the permit by the owner or his contractual representative.

6) The depth of any excavation shall not be made lower than ten (10) feet above the annual high water table. (5/21/85)

N. Termination of a Permit

1) Any Permit issued by the Board of Selectmen shall expire upon the termination date stated thereon. If the Board of Selectmen does not reissue a new Permit upon the proper application of the petitioner, grading, top soiling, and seeding of the existing excavation shall be completed by the petitioner within thirty (30) days of the expiration thereof.

2) All applications for renewal of a Special Permit will require a public hearing as specified in Section C (10) of the earth removal bylaw. Applications for renewal of a Permit expiring within a calendar year must be submitted on or before the thirty-first (31st) day of January of the year in which the existing permit expires. In such application, documents used for the original issuance of permit may be revised to show the conditions existing at the time of reapplication. Information thus required will be stated in Section H of the bylaw, Application for Special Permit. (5/8/80/Amended 5/31/89).

O. Permit Not Required

No Special Use Permit shall be required for the following:

1) Removal of earth from an operating farm, nursery, or cemetery but only to the extent that this removal is necessary for the current operations of the farm, nursery or cemetery and only if the total volume of earth to be removed does not exceed 5,000 cubic yards during any three-year period. Any person or entity claiming an exemption under this clause must first notify the Board of Selectmen of the claim and the basis for the claim, and must receive a written acknowledgement from said Board. In its acknowledgement, the Board of Selectmen may impose any reasonable restrictions. (5/20/87);

2) Removal of earth from site:

a) Where a building is under construction pursuant to a Building Permit to the extent as may be necessary to install the foundation and basement of the building, such removal may not exceed four hundred (400) cubic yards in one (1) calendar year, or an amount equal to the volume of the foundation and basement of the building, whichever is the greater;

b) Where a road is under construction pursuant to a Permit for a subdivision or tract of land by government authority, such removal is permitted only to the extent as may be necessary to complete the project as planned. (5/8/80);

a) The regulations of this bylaw shall govern any such construction involving more than five hundred (500) cubic yards.

3) The moving and removal of earth for any municipal purpose by or on behalf of any department of the Town of Norfolk;

4) A noncommercial moving of earth or regrading of earth upon a single lot upon which a dwelling is situated and occupied to allow regrading to prevent flooding or the construction and repair of on-site sewage disposal facilities.

P. Validity
The invalidity of any section or provision of this bylaw shall not invalidate any section or provision thereof.

Q. Penalty
Any person, firm, or corporation willfully violating, disobeying, or refusing to comply with any of the provisions of this bylaw shall be prosecuted under the terms of the Massachusetts General Laws, Chapter 40, Section 21, Clause 17, and shall be subject to a fine of not more than fifty (50) dollars for the first offense, not more than one hundred (100) dollars for the second offense, and not more than two hundred (200) dollars for any subsequent offense. Each day of non-compliance shall constitute a separate offense. The Board may revoke or suspend the permit of any person, firm, or corporation holding a Permit under this bylaw if such person, firm, or corporation violates, disobeys, or fails to comply with any of the provisions of this bylaw. (3/20/70/Amended 5/30/75; 5/23/78; 6/27/78;10/16/79; 5/20/80)

SECTION 2. Wetlands Protection Bylaw

A. Purpose
The purpose of this bylaw is to protect the wetlands, related water resources, and adjoining land areas in this municipality by prior review and control of activities deemed by the Conservation Commission likely to have a significant or cumulative effects upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution prevention, fisheries, wildlife habitat, recreation, aesthetics, agriculture, and aquaculture values (collectively, the "wetland values protected by this bylaw").

B. Jurisdiction
Except as permitted by the Conservation Commission (Commission) or as provided in this bylaw, no person shall remove, fill, dredge, build upon or alter the following:

1) Resource areas within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp; within 100 feet of any bank, beach, or flat; any lake, river, pond, stream, estuary, or the ocean; within 100 feet of any lake, river, pond, stream, estuary; any land under said waters; or within 100 feet of any land subject to flooding or inundation by groundwater or surface water.

C. Exceptions
1) The Permit and application required by this bylaw shall not be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that written notice has been given to the Commission prior to the commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

2) The Permit and application required by this bylaw shall not be required for work

performed for normal maintenance or improvement of land in agricultural use or in aqua cultural use, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.
The Permit and application required by this bylaw shall not apply to emergency projects necessary for the protection of the health or 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 certified 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 in this bylaw. 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.

3) Other than stated in this section, the exceptions provided in the Wetlands Protection Act shall not apply under this bylaw.

D. Applications for Permits and Requests for Determination

1) Written application shall be filed with the Commission to perform activities regulated by this bylaw affecting resource areas protected by this bylaw. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment. No activities shall commence without receiving and complying with a Permit issued pursuant to this bylaw.

2) The Commission in an appropriate case may accept as the applications and plans under this bylaw the Notice of Intent and plans filed under the Wetlands Protection Act, MGL, Chapter 131, Section 40.

3) Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a Request for Determination shall contain data and plans specified by the regulations of the Commission.

4) At the time of an application or request, the applicant shall pay a filing fee specified in the regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act, MGL, Chapter 131, Section 40. The Commission may waive the cost for a request for determination filed by a person having no financial connection with the property which is the subject of the request.

5) Upon receipt of a Permit application or Request for Determination, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. This fee is called the consultant fee. The specific consultant services may include but are not limited to a resources area survey and delineation, analysis of resource area values, including wildlife habitat evaluations, hydra geologic and drainage analysis and

environmental or land use law.

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

7) The exercise of discretion by the Commission in making its determination to require the payment of a fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision.

8) (10/26/04)
9) (10/26/04)
10) (10/26/04)
11) (10/26/04)

E. Notice and Hearings

1) Any person filing an application or a Request for Determination with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivery, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors including owners of land directly opposite on any public or private street or way, 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 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 free of charge. 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.

2) The Commission shall conduct a public hearing on any application or Request for Determination, with written notice given at the expense of the applicant, five working days prior to the hearing, in a newspaper of general circulation in the municipality.

3) The Commission shall commence the public hearing within 21 days from the receipt of a completed application or Request for Determination unless an extension is authorized in writing by the applicant.

4) The Commission shall issue its Permit or Determination in writing within 21 days of the close of the Public hearing thereon unless an extension is authorized in writing by the applicant.

5) The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act, MGL, Chapter 131, Section 40.

6) The Commission shall have authority to continue the hearing to a date certain, 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 and deemed necessary by the Commission in its discretion, or

comments and recommendations of boards and officials listed in Section F. In the event the applicant objects to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

F. Coordination With Other Boards
Any person filing a Permit application or a Request for Determination with the 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, Building Commissioner and Board of Water Commissioners. An affidavit of the person providing such 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 fourteen (14) days from the 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.

G. Permits, Determinations, and Conditions

1) If the Commission, after a public hearing, determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the wetland values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a Permit for the activities requested. If it issues a Permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

2) The Commission is empowered to deny a Permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptably significant or cumulative effects upon the wetland values protected by this bylaw; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

3) A Permit 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.

4) For good cause the Commission may revoke or modify a Permit issued under this bylaw after notice to the holder of the Permit, notice to the public, abutters, and Town boards pursuant to Section 5, and a public hearing.

5) The Commission, in an appropriate case, may combine the Permit or other action on an application issued under this bylaw with the Order of Conditions issued under the Wetlands Protection Act.

6) No work proposed in any application shall be undertaken until the Permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds or,

if the land affected thereby be registered land, in the registry section of the Land Court for the district wherein the land lies, and until the holder of the Permit certifies in writing to the Commission that the Permit has been so recorded.

H. Regulations

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

2) At a minimum these regulations shall define key terms in this bylaw not inconsistent with this bylaw.

I. Definitions

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

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

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

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

b) Changing of preexisting drainage characteristics, flushing characteristics, 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, elevation; which would alter elevation;

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

g) Placing of obstructions or objects in water;

h) Destruction of plant life including cutting of trees;

i) Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water;

j) Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater;

k) Application of pesticides or herbicides;

l) Except as otherwise provided in regulations of the Commission, the definitions of terms in this bylaw shall be as set forth in the Wetlands Protection Act, MGL, Chapter 131, Section 40.

J. Security

As part of a Permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

1) By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit;

2) By 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 this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

K. Enforcement

1) The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary.

2) The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions.

3) Upon request of the Commission, the Board of Selectmen and the 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.

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

5) Any person, who violates any provision of this bylaw, regulations thereunder, or Permits issued thereunder, shall be punished by a fine of not more than $300. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations or Permit violated shall constitute a separate offense.

L. Burden of Proof

The applicant for a Permit shall have the burden of proving a preponderance of the credible evidence that the work proposed in the application will not have unacceptably significant or cumulative effect upon the wetland values protected by this bylaw. 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.

M. Appeals

A decision of the Commission shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with MGL, Chapter 249, Section 4.

N. Relation to the Wetlands Protection Act
This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act, MGL, Chapter 131, Section 40, and regulations thereunder.

O. Severability
The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any Permit or Determination which previously has been issued. (5/31/89)

P. Non-Criminal Disposition
As an alternative to criminal prosecution in a specific case, the Commission may issue citations under the non-criminal disposition procedure set forth in MGL, Chapter 40, Section 21D as amended and adopted by the Town as a general bylaw. (10/27/92)

Q. Repetitive Applications

No application which has been finally and unfavorably acted on by the Commission shall be acted favorably upon within one year after the date of final unfavorable action unless the Commission finds, by a majority vote, specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings.

SECTION 3. Water Use Restriction Bylaw

A. Authority
This bylaw is adopted by the Town under its police powers to protect public health and welfare and its powers under Massachusetts General Laws, Chapter 40, Section 21 *et. seq.*, implementing the Town's authority to regulate water use pursuant to Massachusetts General Laws, Chapter 41, Section 69B. This bylaw also implements the Town's Authority under Massachusetts General Laws, Chapter 40, Section 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

B. Purpose
The purpose of this bylaw is to protect, preserve and maintain the public health, safety and whenever there is in force a state of Water Supply Conservation or State of Water Emergency by providing for enforcement of duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

C. Definitions

1) "Person" shall mean any individual corporation trust, partnership or association or other entity.

2) "State of Water Supply Emergency" shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under MGL, C21G, Sections 15-17.

3) "State of Water Supply Conservation" shall mean a State declared pursuant to Section D of this bylaw.

4) "Water Users" or "Water Consumers" shall mean 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.

D. Declaration of State of Water Supply Conservation
The Town, through its Board of Water Commissioners, 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 Section F of this bylaw before it may be enforced.

E. 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 per necessary to protect the water supply. The application of restrictions, conditions or requirements shall be included in the public notice required under Section F:

a) Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd numbered addresses is restricted to off 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 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 not allowed at any time when the watering system is connected to the Town of Norfolk system or water supply.

F. Public Notification of a State of Water Supply Conservation
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 responsibly calculated to reach and inform users of the State of Water Supply Conservation. Any restriction imposed under Section E 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.

G. 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 Water Commissioners, 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 Section F.

H. State of Water Supply Emergency/Compliance with DEP Orders
Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

I. 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 for such uses as the Board of Water Commissioners may direct. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with Chapter 30 of the Massachusetts General Laws. Each day of violation shall constitute a separate offense.

J. Severability
The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof. (5/16/95)

SECTION 4. Scenic Roads Bylaw

A. Any repair, maintenance, construction or paving work done within the right-of- way of any road designated as a Scenic Road by the Town under the provisions of Massachusetts General Laws, Chapter 40, Section 15C, shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the Planning Board, after a public hearing duly advertised twice in a newspaper of general circulation in the area as to time, date, place and purpose, the last publication to occur at least seven days prior to such hearing; provided, however, that when a public hearing must be held under the provisions of that section and under Massachusetts General Laws, Chapter 87, Section 3 prior to the cutting or removal of a tree, such hearings shall be consolidated into a single public hearing before the Tree Warden and Planning Board, and notice of such consolidated hearing shall be given to the Tree Warden or Deputy as provided in said Chapter 87, Section 3.

B. Any violation of Massachusetts General Laws, Chapter 40, Section 15C, as incorporated into this bylaw shall be punished by a fine of three hundred dollars ($300) per day. In case of activity done without the written consent of the Planning Board, the fine shall be levied for each day subsequent to documentation of the violation and prior to the submission of a complete application to the Planning Board. In case of non-compliance with a permit issued by the Planning Board, the fine shall be levied for each day of non-compliance.

C. Scenic roads are defined as public ways accepted by the Town as of November 25, 1986, except Routes 1A and 115. A list of these roads is available in the offices of the Town Clerk and Planning Board. (10/22/02)

SECTION 5. Street Lighting

Any individual or developer wishing to have installed a street light on a public way or in a new development may do so after appropriate approvals, provided they also post an amount of money to the Town, in a manner determined by the Town, equivalent to 300 monthly utility cost

payments at the then prevailing rate. (10/22/02)

SECTION 6. Prohibition of Illicit Discharges to Storm Drain System (10/24/06)

A. PURPOSE

The purpose of this section is to eliminate non-stormwater discharges to the Town of Norfolk's Municipal Storm Drain System. Non-stormwater discharges contain contaminants and supply additional flows to the Town's storm drain system. Increased and contaminated stormwater runoff are major causes of:

(1) impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
(2) contamination of drinking water supplies;
(3) contamination of clam flats and other coastal areas;
(4) alteration or destruction of aquatic and wildlife habitat; and
(5) flooding.

Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Norfolk's natural resources, municipal facilities, and to safeguard the public health, safety, welfare and the environment.

The objectives of this section are:

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

B. DEFINITIONS

Unless a different definition is indicated in other sections of this by-law, the following definitions and provisions shall apply throughout this Article, also referred to in this Article, as this by-law or Section.

AUTHORIZED ENFORCEMENT AGENCY: The Department of Public Works (hereafter "the Department"), its employees or agents designated to enforce this by-law.
BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.
CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended.
DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.
GROUNDWATER: Water beneath the surface of the ground.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law.
ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 6. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or resulting from fire fighting activities exempted pursuant to Part G (4)(B), of this by-law.
IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Norfolk.
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.
NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.
PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.
POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:
(1) paints, varnishes, and solvents;
(2) oil and other automotive fluids;
(3) non-hazardous liquid and solid wastes and yard wastes;
(4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
(5) pesticides, herbicides, and fertilizers;
(6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
(7) dissolved and particulate metals;
(8) animal wastes;
(9) rock; sand; salt, soils;
(10) construction wastes and residues;
(11) and noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.
RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.
STORMWATER: Runoff from precipitation or snow melt.
TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive

characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.
WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.
WATERS OF THE COMMONWEALTH: all waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.
WASTEWATER: any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

C. APPLICABILITY
This section shall apply to flows entering the municipally owned storm drainage system.

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

E. RESPONSIBILITY FOR ADMINISTRATION
The Department shall administer, implement and enforce this by-law. Any powers granted to or duties imposed upon the Department may be delegated in writing by the Department to employees or agents of the Department.

F. REGULATIONS
The Department may promulgate rules and regulations to effectuate the purposes of this by-law. Failure by the Department to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

G. PROHIBITED ACTIVITIES

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

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

3. Obstruction of Municipal Storm Drain System
No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior consent from the Department.

4. Exemptions

A. Discharge or flow resulting from fire fighting activities;

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

(1) Waterline flushing;
(2) Flow from potable water sources;
(3) Springs;
(4) Natural flow from riparian habitats and wetlands;
(5) Diverted stream flow;
(6) Rising groundwater;
(7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g. sump pump), provided that where a pump intake exists inside a structure, the operator seeks a permit from the Department prior to discharge, and thereafter discharges in accordance with the requirements of the permit and applicable laws and regulations to be issued by the Department;
(8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
(9) Discharge from landscape irrigation or lawn watering;
(10) Water from individual residential car washing;
(11) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
(12) Discharge from street sweeping;
(13) Dye testing, provided verbal notification is given to the Department prior to the time of the test;
(14) Non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
(15) Discharge for which advanced written approval is received from the Department as necessary to protect public health, safety, welfare or the environment.

H. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Department may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

I. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person

shall immediately notify the municipal fire and police departments. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

J. ENFORCEMENT

The Department or an authorized agent of the Department shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

1. Civil Relief

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

2. Orders

The Department or an authorized agent of the Department may issue a written order to enforce the provisions of this section or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

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

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

3. Criminal Penalty

Any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

4. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and Article XIV of the Town of Norfolk General Bylaws, in which case the Director of Public Works of the Town shall be the enforcing person. The penalty for the 1st violation shall be a warning. The penalty for the 2nd violation shall be $100.00. The penalty for the 3rd and subsequent violations shall be $300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

5. Entry to Perform Duties Under this Section

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Department deems reasonably necessary.

6. Appeals

The decisions or orders of the Department shall be final. Further relief shall be to a court of competent jurisdiction.

7. Remedies Not Exclusive

The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

K. SEVERABILITY

The provisions of this section are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this section 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 section or by-law.

L. TRANSITIONAL PROVISIONS

Residential property owners shall have 60 days from the effective date of the by-law section to comply with its provisions provided good cause is shown for the failure to comply with the by-law during that period.

ARTICLE VIII: JUNK DEALERS AND COLLECTORS

SECTION 1. Licensing of Junk and Second-Hand Dealers

The Selectmen may license suitable persons to be dealers in and keepers of shops for the purpose, sale, or barter of junk, old metals or second-hand articles in this Town. They may also license suitable persons as junk collectors to collect, by purchase or otherwise, junk, old metals and second-hand articles from place to place in said Town, and they may also provide that such collectors shall display badges upon their persons or upon their vehicles, or upon both, when

engaged in collecting, transporting or dealing in junk, old metals, or second-hand articles, and may describe the design thereof. They may also provide that such shops and all articles of merchandise therein, and any place, vehicle, or receptacle used for the collecting or keeping of the articles aforesaid may be examined at all times by the Selectmen, authorized thereto. (3/16/36)

SECTION 2. Record Keeping by Junk Dealers

Every keeper of a shop for the purpose of sale or barter of junk, old metals or second-hand articles within its limits, shall keep a book in which shall be written, at the time of every purchase of any such article, a description thereof, the name, age, and residence of the person from whom and the day and hour when such purchase was made; that such book shall, at all times be open to the inspection of the Selectmen, and of any persons by them respectively authorized to make such inspection; every keeper of such shop shall put in a suitable and conspicuous place on his 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 by anyone by them respectively authorized to make such examination; and no keeper of such shop and junk collector 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; and no article purchased or received by such shopkeeper shall be sold until at least a week from the date of its purchase or receipt has elapsed. The Selectmen may also prescribe the hours in which such shops shall be closed, and that no keeper thereof and no junk collector shall purchase any of the articles aforesaid during such hours. (3/16/36)

ARTICLE IX: SIGN REGULATIONS

SECTION 1. Purpose

The purpose of this bylaw is to establish reasonable regulations for the design, construction, installation and maintenance of all temporary signs in the Town of Norfolk in order to:

A. Balance the right of individuals to convey their messages and the right of the public to be protected against the unrestricted proliferation of signs;

B. Further the objectives of the Town's Master Plan;

C. Protect the public health, safety, and welfare;

D. Reduce traffic hazards;

E. Facilitate the creation of an attractive and harmonious community;

F. Protect property values;

G. Promote economic development; and

H. Preserve the right of free speech containing non-commercial messages exercised through the use of signs.

SECTION 2. Definitions

As used in this bylaw unless the context otherwise indicates:

A. "Banner" shall mean a temporary sign suspended over a public way constructed of cloth, canvas or other combustible material;

B. "Erect" and "Install" shall mean to build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of signs;

C. "Facing" or "Surface" shall mean the surface of the sign upon, against, or through which the message is displayed or illustrated on the sign;

D. "Flashing Sign" shall mean a sign having lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations;

E. "Incombustible Material" shall mean any material which will not ignite at or below a temperature of 1200 degrees Fahrenheit and will not continue to burn or glow at that temperature;

F. "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind;

G. "Sign" shall mean any writing, pictorial representation, illustration, emblem, symbol, design or other figure of similar character which is a structure or a part thereof, or is attached, to or in any manner represented on a building or other structure, and is placed out of doors in view of the general public and is used for purposes of advertisement, announcement, declaration, demonstration, display, identification, or expression;

H. "Sign Granting Authority" shall mean the group authorized by this bylaw to issue Special Permits as specifically allowed by this bylaw;

I. "Temporary Sign" shall mean any sign constructed of cloth, canvass, light fabric, cardboard, wall board, or other light materials, with or without frames, intended to be displayed for a limited period of time.

SECTION 3. General Regulations

A. Permit Not Required: Except as otherwise provided in this bylaw, it shall be lawful for any person to erect within the Town of Norfolk any temporary sign as specifically defined and as allowed in this bylaw without obtaining a Building Permit, Sign Permit, authorization from the Board of Selectmen, or Special Permit from the Sign Granting Authority.

B. Temporary signs shall be located on the same lot as the specific event and only one temporary sign is permitted per lot unless otherwise allowed.

C. Temporary signs are not allowed on the street right-of-way or municipal property unless authorized by the Board of Selectmen. Municipal signs and hand held signs do not require approval by the Board of Selectmen. (10/22/02)

D. The area of a sign shall be the area of the outermost perimeter of any word, symbol, design, or device, including all attachments thereto excepting any support.

E. No sign shall be permitted or allowed to be so located as to obstruct a view between any points on connecting streets within fifty feet of a corner; or the rights-of-way, or to obstruct any door, window, or fire escape.

F. A sandwich board is considered to be one sign.

G. Signs shall not use any rock, tree, fence, or pole other than for structural support. Under this bylaw the Sign Granting Authority shall be the Board of Selectmen.

H. The Sign Granting Authority may, upon application thereto, allow signs listed in Sections 4 (E) and 4 (F) to exceed the duration and number requirements of this bylaw. For specific instructions on how to make application by issuance of a Special Permit, see Sections 7 and 8.

I. Revocation of Permit/Special Permit: The Sign Granting Authority may revoke any Authorization/Special Permit where there has been a violation of the provisions of this bylaw or a misrepresentation of fact on the permit application.

J. All signs shall otherwise be in conformance with the Norfolk Zoning Bylaws.

SECTION 4. Signs That Are Allowed

The following signs are allowed by this bylaw, provided however, one sign is allowed per lot, located on private property, unless otherwise indicated:

A. Temporary political signs, no more than two (2) per lot, concerning candidates for public office and ballot issues and not exceeding eight (8) square feet in area per sign. Such signs shall be erected no earlier than thirty (30) days prior to an election or referendum and removed no later than two (2) days after the election or referendum;

B. Temporary personal announcement signs, no more than two per lot, not exceeding eight (8) square feet in area per sign. Such signs shall be erected for a period not to exceed thirty (30) days;

C. Temporary signs not to exceed two signs, advertising the date and time of a garage or yard sale and not exceeding four (4) square feet in area per sign. Such signs shall be posted no more than three (3) days prior to and removed one (1) day after the sale;

D. Flags of any government or governmental agency or any patriotic religious, charitable, civic, educational, or fraternal organization;

E. Temporary signs, not to exceed two signs, in conjunction with special events such as a philanthropic campaign, church, or other municipal or community activity. Each sign shall not exceed 32 square feet and shall not be erected more than fourteen (14) days in advance of the event and shall be removed within two (2) days after the termination of the event;

F. Temporary displays or decorations customarily associated with national, state, local, or religious holiday or celebration. Such displays or decorations shall be erected no more than thirty-five (35) days before and removed no later than fourteen (14) days after the celebration;

G. Signs required by the Massachusetts Department of Food and Agriculture to exempt property from being sprayed during ground area-wide spray programs. Such sign(s) may be posted from March 1 through October 31;

H. Hand-held signs of a noncommercial nature not set on or affixed to the ground and not

exceeding ten (10) square feet in area;

I. Signs mandated by Department of Environmental Protection or any other state or local agency.

J. Temporary vinyl signs up to 4' X 6' to be attached to the Pond Street Fences under the direction of Norfolk Recreation. Signs must be only green and white and must be approved by Norfolk Recreation Commission prior to installation. (10/25/05)

SECTION 5. Signs Allowed by Special Authorization

Temporary banner(s), one banner per event, announcing charitable or civic events as specifically allowed under this section shall be defined as temporary signs and must comply with the following restrictions and meet the following requirements:

A. Banners shall not exceed twenty (20) feet by three (3) feet;

B. A banner may be installed no earlier than fourteen (14) days prior to the event and must be removed within two (2) days of the event;

C. Prior to the installation of a banner, written authorization must be obtained from the Board of Selectmen. Such authorization may be obtained by filing a written request on an appropriate form with the Board of Selectmen. Said form shall require all pertinent information necessary for the Board of Selectmen to render a decision and shall also include an agreement by the applicant to pay any costs necessary to maintain the banner in a safe condition and/or to remove the banner prior to the expiration of the time normally allowed if the banner becomes unsafe;

D. Prior to authorizing the installation of a banner, the Board of Selectmen shall have received a fee in an amount, as a minimum, that will cover the cost of installation and removal of said banner by the Fire Department;

E. Banners are to be installed only by the Norfolk Fire Department under instructions by the Board of Selectmen, or the Building Commissioner may reinstall a banner or remove the banner with the cost borne by the applicant;

F. Bond Requirements

1) Every applicant for a permit to erect a banner over the street right of way shall, before the permit is granted, file with the Board of Selectmen a continuing bond in the penal sum of $500,000 (Five Hundred Thousand Dollars) , executed by the applicant and a Surety Company to be approved by the Town of Norfolk and conditioned for the faithful observance of all laws and ordinances relating to signs and other advertising structures, and which shall indemnify and save harmless the Town of Norfolk from any and all damages, judgments, costs or expenses which the Town may incur or suffer by reason of the granting of the permit. A liability insurance policy issued by an insurance company authorized to do business in the Commonwealth of Massachusetts which conforms to the provisions of this section may be permitted in lieu of a bond;

2) The Board of Selectmen may, at its discretion waive the requirements for a surety bond or liability insurance.

SECTION 6. Prohibited Signs

A. Traffic Hazards: No sign or other advertising structure shall:

1) Obstruct free and clear vision at any street intersection;

2) Interfere with, obstruct the view of or be confused with any authorized traffic sign, signal, or device because of its position, shape, or color;

3) Make use of the words "Stop" "Look" "Drive-In" "Danger" or other word, phrase, symbol, or character in a manner that interferes with, misleads, or confuses traffic.

B. Unsafe Signs: No sign or other advertising structure shall constitute a hazard to safety or health by reason of inadequate design, construction, or maintenance.

C. Obscene Signs: No sign or other advertising structure shall display any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social values.

D. Vehicular Signs: Signs attached to motor vehicles, trailers, or other movable objects regularly or recurrently located for fixed display.

E. Moving Signs: No sign or other advertising structure shall have visible moving, revolving or rotating parts or visible mechanical movement of any kind.

F. Billboards.

G. Temporary commercial signs, streamers, or pennants, other than as provided in Subsection 4.J above.

H. Signs in a right of way other than municipal signs.

SECTION 7. Construction

A. Weight Limitation: Temporary signs weighing in excess of fifty (50) pounds must be approved by the Building Commissioner as conforming to the safety requirements of the State Building Code.

B. Location:

1) Projection over Public Property: No temporary sign shall extend over or into any street, alley, sidewalk, or other public thoroughfare and shall not be placed or project over any wall opening.

C. Erection:

1) Anchorage and Support: Every temporary sign shall be attached or anchored in a safe and secure manner. If the Building Commissioner determines it is unsafe, it shall be removed.

SECTION 8. Administration

See the procedure for permanent commercial signs in the Norfolk Zoning Bylaws.

A. All persons desiring to erect a banner within the street right of way shall make application to the Board of Selectmen for permission to do. See Section 4.

B. All persons desiring to erect a sign that is otherwise allowed by this bylaw but does not comply with either the duration and number requirements of this bylaw may apply to the Sign Granting Authority for a Special Permit. See Section 9.

C. The Sign Granting Authority is authorized to grant exemptions as specifically allowed by this bylaw. In no case, except as allowed under subsection 4.J above, shall there be more than three (3) signs per lot, and the duration shall not exceed ninety (90) days.

D. The Sign Granting Authority shall enact rules and regulations governing the application process as allowed under Sections 7(c) and 7(d) above and may be amended from time to time. These rules and regulations shall not conflict with any other section of this Sign Bylaw. A copy of said rules and regulations and all amendments thereto shall be filed with the Town Clerk.

SECTION 9. Special Permit Application Procedure

A. All applicants shall obtain and complete an application form which is available at the Board of Selectmen Office. Such application shall be accompanied by a fee in accordance with the fee schedule as set forth by the Board of Selectmen which may be amended from time to time. Said application shall include, as a minimum, the following information:

1) Name, address, and telephone number of the applicant;

2) Location of lot or site to which or upon which the sign or other advertising structure is to be erected;

3) Position of the sign or other advertising structure in relation to nearby buildings, structures, or other signs (both temporary and permanent) within 100 feet of the proposed sign location;

4) A drawing showing the following: The proposed sign; all existing signs within 100 feet including traffic signs, street signs, commercial signs; specifications for construction and method for anchoring;

5) Written consent of the owner of the property if the owner is other than the applicant;

6) Such other information as the Sign Granting Authority shall require to show full compliance with this and all other laws, bylaws, and zoning bylaws of the Town;

7) A certified list of abutters within 300' of the property on which the sign is to be erected.

B. In no case shall the Sign Granting Authority authorize an exception to this bylaw without having held a public hearing to which abutters have been notified in writing. The public hearing notice shall be posted at the Town Hall at least seven (7) days in advance of the hearing and shall be placed on the local government cable channel provided, however, that the local government channel is in operation. The notice shall set forth the name of the applicant, the address of the property on which the sign is to be installed, and the nature of the request.

C. The Sign Granting Authority shall find, before granting exceptions to this bylaw, that such exceptions do not conflict with the purpose (Section 1) of this bylaw.

SECTION 10. Penalties and Enforcement

A. This bylaw shall be enforced by the Building Commissioner/Zoning Officer. Notification of violations shall be prepared by the Building Commissioner. The Building Commissioner shall mail a copy of the notification and a copy shall be delivered by the Norfolk Police Department.

B. Criminal Disposition: Any violations of the provisions of this bylaw, the conditions of a permit granted under this bylaw, or any decisions rendered by the Board of Selectmen or Sign Granting Authority shall be liable to a fine of not more than three hundred dollars ($300) for each offense. Each day such violation continues shall be deemed a separate offense.

C. Non-Criminal Disposition: In addition to the procedures for enforcement as described above, or a decision rendered by the Board of Selectmen or Sign Granting Authority under this bylaw, may be enforced by the Building Commissioner/Zoning Officer by non-criminal complaint pursuant to the provisions of General Laws, Chapter 40, Section 21 D. The fine for any violation disposed of through this procedure shall be one hundred dollars ($100) for each offense. Each day such violation continues shall be deemed a separate offense.

SECTION 11. Severability

The provisions of this Article are severable from each other and the invalidity of any provision or section shall not invalidate any other provision or section thereof.

SECTION 12. Protection of First Amendment Rights.

Any sign allowed under this bylaw may contain, in lieu of any other copy, any lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale and that complies with all other requirements of this bylaw.

SECTION 13. Signs/Types of Signs

Unless a sign or type of sign is specifically allowed by this bylaw or the Norfolk Zoning Bylaws it is deemed to be prohibited.

SECTION 14. Effective Implementation Date

This bylaw shall take effect upon approval by the Attorney General of the Commonwealth of Massachusetts.

ARTICLE X: POLICE REGULATIONS

SECTION 1. "Now Section 1, ARTICLE XIII." (10/23/91)

SECTION 2. Obstructions in Public Places, Streets and Sidewalks

No person shall leave any vehicle or material or place any obstruction in any sidewalk, street or public place and suffer the same to remain there overnight without maintaining a sufficient light and suitable guards over or near the same throughout the night nor allow the same to remain after notice from a police officer of Norfolk to remove the same. (3/16/36)

SECTION 3. Games on Streets and Sidewalks; Willfully Frightening Horses

No person shall by any means or in any manner, willfully frighten any horse, or play at any game in which a ball is used, or shoot with bows and arrows, fly any kites, or throw stones or other missiles in any street or on any sidewalk. (3/16/36)

SECTION 4. Skating and Sledding on Sidewalks and in Public Places

No person shall skate or coast upon any sled upon any sidewalk or any street or public place except at such times and upon such streets or places as the Selectmen may, by public notice, designate for such purposes. (3/16/36)

SECTION 5. Discharging Firearms and the Use of Fireworks

No person shall discharge any gun, fowling piece, pistol, or firearm or set fire to any material known as fireworks, or other combustible matter, in any of the public ways or street of the Town, except on such occasions and of such character and kind as the Chief of Police may, by public notice permit; provided, however, this section shall not apply to any person abating a nuisance or in the exercise of duty required or justified by law. (3/16/36)

SECTION 6. Digging Trenches or Laying Pipe in Streets and Public Ways

No person, other than a duly authorized officer or employee shall dig a trench or lay a pipe in, or in any way disturb the earth or materials on, in or under any street or public way without a permit in writing given by the Board of Selectmen upon application by said person made to said Board; and whenever such a permit is so issued, the person or persons to whom it shall be issued shall, whenever a pipe, drain, or any other structure is placed, in, along or under such a street or public way, file with said Board, a plan of the same showing the location and elevation of such pipe, drain or other structure, said plan to be of such size and standard as said Board may require. Any person or persons requesting such permission may be required by the Board of Selectmen to give a bond satisfactory to them to indemnify the Town against any loss or damage occasioned by such excavation and/or alteration. (3/16/36/Amended 6/7/74)

SECTION 7. Rude, Indecent or Disorderly Behavior

No person shall behave in a rude, indecent, or disorderly manner or use any indecent, profane or insulting language in any public place or in any street or sidewalk in the Town or near any dwelling house or other building therein, or upon any doorstep, portico, or other projection from any such house or other building to the annoyance or disturbance of any person; nor shall any person throw or drop in or upon any footpath, sidewalk or highway in the Town any piece of wire, metal, mineral, nail or other material that might or would be a source of annoyance or danger to anyone lawfully passing over or using the same. (3/16/36)

SECTION 8. Obstructing Free Passage for Pedestrians on a Public Way

Three or more persons shall not stand in a group or near each other on any public way or sidewalk in such a manner as to obstruct a free passage for pedestrians after a request to move on, made by any police officer of Norfolk. (3/16/36)

SECTION 9. Discarding Materials Injurious to Animals or Bicycle or Auto Tires

No person shall throw or deposit in any manner upon any public way, place or square in the Town any article, substance or material which may prove injurious in any respect to the hoofs of animals, the tires of bicycles, or the rubber tires of automobiles and other vehicles or the safe operation and passage of pedestrians, bicycles, automobiles or other vehicles. (3/16/36/Amended 10/22/02)

SECTION 10. Discarding Litter, Paper or Rubbish on Public Streets and Sidewalks

A. No person shall distribute or deposit advertising circulars, papers or other matter on the streets of the Town, or shall team manure, hay, rubbish, ashes, liquid, or other material in such a manner as to litter, pollute, or injure the streets of the Town nor shall any person throw or deposit in any street or on any sidewalk, dirt, ashes, rubbish, or other refuse of any kind except in the manner provided by the Board of Health. (3/16/36)

B. No business concern shall use Municipal trash receptacles for the disposal of the trash or litter produced from its business operation. (5/19/1982)

SECTION 11. Carting Garbage, Noxious Liquids and Solid Materials on a Public Way

No person shall cart or convey garbage; manure, rubbish, or filth of any kind nor any noxious or refuse liquid or solid matter or substance in any public street or place, except in such a manner and at such times as the Board of Health by regulation or permit shall prescribe. (3/16/36)

SECTION 12. Misuse of Fire Alarm Apparatus and Signal Boxes

No person shall, without authority from the Chief of the Fire Department, open or interfere with a signal box, wire or anything connected with the fire alarm apparatus except in cases of fire. (3/16/36)

SECTION 13. Removal of Lights Used to Denote an Obstruction in a Public Street

No person shall, without proper authority, extinguish, or remove any light placed to denote an obstruction or defect in a street or way. (3/16/36)

SECTION 14. Destruction of Street Lights

No person shall, without proper authority, intermeddle with or willfully break any arc lamp or lamp globe or incandescent lamp or any insulators or attachments used to carry wires within the limits of any public way or place in the Town. (3/16/36)

SECTION 15. Writing Indecent or Obscene Words on Buildings in Any Public Place

No person shall make any indecent figures or write any indecent or obscene words upon any fence, building or structure in any public place, or commit a nuisance upon any sidewalk or against any tree, building or structure adjoining the same. (3/16/36)

SECTION 16. Removal or Destruction of Town Property

No person shall, without right, willfully or intentionally remove, displace destroy, deface, mar or

injure any guideboard, boundary sign, guardrail machinery, equipment, building or other property of the Town. (3/16/36)

SECTION 17. Now Section 9, Article XIII (10/22/91)

SECTION 18. Nude or Indecent Swimming in Public Places

No person shall bathe or swim in any public place or exposed place in the Town in an indecent or nude condition. (3/16/36)

SECTION 19. Vehicles Interfering with Snow and Ice Removal

For the purpose of facilitating the plowing or removal of snow and ice from any way, the Superintendent of Highways may cause any vehicle interfering with such work to be removed to

any convenient place, including a public garage or storage area. The cost of such removal and storage charges shall be borne by the owner of the vehicle. The Superintendent of Highways shall cause a record to be kept of the registration number of any such vehicle so removed and of the place to which it was taken. (5/30/75)

SECTION 20. Requirement for Protective Covering of Wells

The owner of land whereon is located an abandoned well or well in use shall provide a covering for such well capable of sustaining a weight of three hundred pounds or shall fill same to the level of the ground. Whoever violates the requirement set forth herein shall be punished by a fine of not less than One Hundred Dollars ($100) or more than Five Hundred Dollars ($500). (5/30/75)

SECTION 21. Licensing Requirement for Canvassers and Solicitors

A. License Required: It shall be unlawful for any solicitor or canvasser as defined in this regulation to engage in such business within the Town without first obtaining a license therefore in compliance with the provisions of this regulation. The provisions of this regulation shall not apply to any person exempted under Chapter 101 of the Massachusetts General Laws, or to any person duly licensed under Chapter 101 of the Massachusetts General Laws, or to any person exempted by another General Law, nor shall this regulation be construed to prevent route salesmen or other persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon prospective customers to solicit an order for future periodic route deliveries.

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

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

1) Name of applicant;

2) Address of applicant (local and permanent home address);

3) Applicant's height, weight, eye and hair color;

4) Applicant's social security number;

5) The length of time for which the right to do business is desired;

6) A brief description of the nature of the business and the goods to be sold;

7) The name and home office address of the applicant's employer. If self-employed, it shall so state;

8) A photograph of the applicant which picture shall be submitted by the applicant and be 2" by 2" showing the head and shoulders of the applicant in a clear and distinguishing manner;

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

D. At the time of filing the application, each applicant shall pay a fee of two dollars ($2.00).

E. Investigation and Issuance

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

2) After an investigation of the applicant's morals and integrity, but within seven (7) business days of the filing of the application, the Chief of Police shall endorse on such application his approval or disapproval. Failure of the Police Chief to act on said permit within seven (7) business days of the applicant's filing shall constitute approval. If disapproved, the applicant shall have the right to appeal to the Board of Selectmen in writing within seven (7) days of the denial by the Chief of Police. The Board of Selectmen must act upon the appeal at one of their next two (2) regularly scheduled meetings. Failure to so act shall be deemed approval.

3) Such license when issued shall contain the signature of the Chief of Police or the Board of Selectmen and shall show the name, address and photograph of said licensee, the date of issuance and the length of time the same shall be operative, as well as the license number. The Police Department shall keep a record of all licenses issued for period of six (6) years. Solicitors and canvassers, when engaged in the business of soliciting or canvassing, are required to display an identifying badge issued by the Police Department by wearing said badge on an outer garment. Each licensee is required to possess an individual license.

4) Duty of Police to Enforce/Transfer: The police officers of the Town shall enforce this regulation. No license shall be transferred.

F. Revocation of License

The Chief of Police is hereby vested with jurisdiction over the revoking of licenses. Any person aggrieved by such revocation may appeal to the Board of Selectmen within seven (7) business days and a hearing will be scheduled for one of the next two regularly schedule meetings of the Board of Selectmen.

G. Expiration of License

Each license issued under the provisions of this regulation shall continue in force from the date of its issue until the thirty-first (31st) day of December following, unless sooner revoked.

H. Renewal of License

A license issued under the provisions of this regulation may be renewed by the Chief of Police. An applicant requesting renewal of a license must apply in person for such license renewal, and provide such information as is required to obtain an initial license.

I. Misrepresentation

1) No solicitor or canvasser, licensed or exempted from license, shall misrepresent, in any manner, the buyer's right to cancel stipulated by Chapters 93, 93A and 2550 of the

Massachusetts General Laws.

2) Displayed a "no trespassing" or "no soliciting" sign or poster. Further, it shall be unlawful for canvassers or solicitors to ignore No solicitor or canvasser, licensed or exempted from license, may use any plan, scheme or ruse which misrepresents the true status or mission of the person establishment with the purpose of making a sale of consumer goods or services.

3) Trespassing. It shall be unlawful for any canvasser or solicitor to enter the premises of a resident or business who has a resident or businessperson's no solicitation directive or remain on private property after its owner has indicated that the canvasser or solicitor is not welcome.

J. Penalty
Any person violating any provision of this regulation shall, upon conviction thereof, be punished by a fine not to exceed fifty dollars ($50) for each and every offense under the provisions of MGL, Chapter 40, Section 210 as accepted by the Town of Norfolk more commonly known as the "Non-Criminal Disposition of Bylaw Violations." (10/23/91)

SECTION 22. Unregistered Cars and Trucks in Residential Districts

No person shall have more than one unregistered car or truck ungaraged on his premises in a residential district at any time. In no event will an unregistered car or truck be stored in the front yard. (6/23/65/Amended 6/24/66 & 6/27/78)

SECTION 23. Now Section 3 in ARTICLE XIII. (10/23/91)

SECTION 24. Prohibition of Peeping

No person, except an officer of the law in the performance of his duties, shall enter upon the premises of another or upon any public or private property with the intention of peeping into the windows of a house or other building or of spying in any manner upon any person or persons therein. A violation of this section shall be punishable by a fine of twenty dollars ($20.00). (3/26/72/Amended 11/5/71)

SECTION 25. Public Consumption of Alcoholic Beverages

A. No person shall drink any alcoholic beverage as defined by Massachusetts General Law, Chapter 138, Section 1, while on, in or upon any public way or way to which the public has access; any public park, playground or conservation area; or upon any private land or place without the consent of the owner or person in control thereof. A violation of this bylaw shall be deemed to be a breach of the peace.
B. All alcoholic beverages being used or consumed in violation of this bylaw shall be seized and safely held until final disposition of any complaint brought against any person or persons charged with such violation, after which they shall be returned to the person lawfully entitled to the possession thereof. (11/16/73/Amended 5/30/75)

SECTION 26. Permit Required for Driveways Intersecting with a Public Way

No driveway or other access to a public street shall be constructed or altered at the point of intersection with such street unless a written permit is first obtained from the Highway Superintendent. No building permit shall be issued for the construction of a new building or structure unless such access permit has first been obtained. (7/7/74)

SECTION 27. Alcoholic Beverages in Open Containers

No person shall have in his possession any alcoholic beverage as defined by Massachusetts General Laws, Chapter 138, Section 1, in a container that is or has been opened while on, in or upon any public way or way to which the public has access or any public park, playground, conservation area or Town of Norfolk property unless the premises are licensed by the licensing authority of the Town of Norfolk. A violation of this bylaw shall be deemed to a breach of the peace. (5/17/79).

SECTION 28. Permit Required for Storage of Flammable Liquids

A. No person shall store a flammable liquid in an underground tank in the Town of Norfolk without first obtaining a permit issued by the Chief of the Fire Department or his/her designated agents. No such permit shall be issued unless the Board of Health or its designated agent first approves the location of the tank.

B. Except for tanks with a capacity of 2000 gallons or less used exclusively for the storage of # 2 fuel oil, all tanks used for the storage of flammable liquids shall be approved doubled-walled tanks with monitoring systems. These tanks and systems shall be of a type approved by a recognized testing agency and the Chief of the Fire Department.

C. All licenses for storage of flammable liquids underground must also be approved by the Board of Selectmen under the provisions of MGL, Chapter 148, Section 13.

D. For the purpose of this regulation, the penalty for any violation shall be a fine of not less than twenty dollars ($20) nor more than two hundred dollars ($200). Each day that such a violation continues shall constitute a separate offense. (9/15/81/Amended 5/26/87)

E. No LPG tanks can be installed in a vault, per order of Fire Marshall.

SECTION 29. Requirement for Display of a Numerical Address

A. Each dwelling, store, public garage, factory or other building located upon a street or way, public or private, shall display a numerical designation or address in a form approved by the Planning Board, provided such building has a regularly used entrance upon the said street or way and if there is more than one entrance regularly and commonly used, then each such entrance may be required to display a number but no dwelling occupied by a single family shall be required to display more than one number.

B. The number assigned to each building shall be not less than three inches high and shall be made of permanent weatherproof materials. The numbers may be made of metal or metal leaf or painted upon the building or the door of the building and may be in Arabic numerals or written or painted in words.

C. Any number affixed to a painted building shall be painted in a contrasting color to the surface upon which the number is affixed.

D. The number shall be attached directly to the door, the door frame or within eighteen inches of the door frame provided that such number is clearly visible from the street.

E. Any main entrance not clearly visible from the street shall have the number affixed at the entrance to the driveway on a metal or wooden post or on a privately owned tree at a height not less than three (3) or more than seven (7) feet above the ground and set back from the edge of the streets, or affixed to a rural mailbox provided that the mailbox is on the designated lot or on the opposite side of the street but not closer than ten (10) feet to any

other mailbox, is visible from the street and within ten (10) feet of the principal point of entry to that lot such as a walkway or driveway. If the mailbox is placed on a street or way other than indicated by the number, such number must also include the approved street name for that building.

F. The numbers shall be those assigned to each structure by the Planning Board and filed in the Office of the Assessors.

G. It shall be the responsibility of each property owner in the Town to obtain and display the appropriate street number within ninety days of the effective date of this bylaw.

H. The bylaw shall be enforced by the Fire Chief. Failure to comply with this bylaw shall subject the property owner to a fine not to exceed twenty five dollars ($25). (11/21/81)

SECTION 30. Deleted by Annual Town Meeting (5/14/02)

SECTION 31. Prohibition of Mechanical Bucking Devices

A. No mechanical bucking device shall be installed, operated or used in any public place within the Town of Norfolk whether or not a fee is charged for the operation or use thereof.

B. Definitions: As used in this local law, the following terms shall have the meanings indicated:

1) Mechanical Bucking Device - Any mechanically operated machine, apparatus, contrivance or device, the design or purpose of which is to simulate or copy the movement of a steer, bull or other animal, whether or not the same has been constructed in the shape, form and likeness of a steer, bull or other animal, upon which a person or persons is seated as a rider or riders and which machine, apparatus, contrivance or device is operated or operates in a vibrating, pulsating, jerking, bucking or similar fashion in order to or attempt to dislodge, unseat or expel the rider or riders;

2) Person - Any individual, partnership, association or corporation that is an owner, landlord, lessee, tenant, occupant, operator or an executor, administrator, trustee or other legal representative of an owner, landlord, lessee, tenant, occupant or operator of any public place as defined herein;

3) Public Place -Any place available to or used by the general public, whether or not an admission fee is charged, including but not limited to restaurants, discotheques, cabarets, bars, social clubs, amusement parks, penny arcades, game rooms and other similar establishments;

4) Penalties for Offenses: Each day a violation exists shall constitute a separate offense. Violators of this section shall be subject to a fine of fifty dollars ($50) for each violation. (6/2/82)

SECTION 32. Use of Town Owned Property (5/9/06)

A. No persons except School Committee members, School employees or Town of Norfolk employees, acting in their capacity as such employees, shall enter in or upon property under control of the School Committee between the hours of 10:00 p.m. and 7:00 a.m. unless authorized by the School Committee or the Superintendent of Schools.

B. No person shall trespass upon any park, playground, reservation, public building or other

area under the control of the Town of Norfolk between the hours of 10:00 p.m. and 7:00 a.m.

C. No person shall willfully, intentionally and without right destroy, deface, mar or injure any sign or other device erected on town owned property by the direction of the town.

D. No person shall ride horses or other animals, engage in unauthorized golf activities, or operate motorized recreational vehicles or skate boards or like apparatus on town owned property; except that skateboards may be used at the skateboard park located on the Pond Street Recreation site.

E. No person shall operate automobiles or trucks other than on paved areas or designated parking areas of town owned property without written authorization from the town.

F. The penalty for violation of paragraphs A, B, C, D, shall be as follows:

First Offense $50
Second Offense $100
Third and subsequent offense .....not less than $150, but not more than $300

SECTION 33. Permit Required for Abrasive Blasting

No person shall conduct abrasive blasting in the Town of Norfolk without a valid abrasive blasting permit (hereinafter "Permit") issued by the Board of Health nor shall any person conduct abrasive blasting in violation of any terms or conditions of such Permit. (5/29/90)

SECTION 34. Burglar Alarm System (10/27/92)

SECTION 35. Site Work Construction Equipment

A. No person or persons shall cause, allow or permit the operation of equipment or machinery associated with site work, construction, or demolition, or the operation of motor vehicles including dump trucks, trailer trucks, tractor units with flatbed trailers or other types of truck equipment, for the specific purpose of loading or unloading equipment, machinery or goods, materials, substances or fluids, including trash, rubbish, or recyclable collection vehicles used to collect household waste between the hours of 7 p.m. and 7 a.m., Monday through Saturday, and all hours on Sunday and State Holidays without the expressed approval of the Board of Selectmen, and the issuance of a work permit by the Chief of Police. Such regulations shall not apply to utility companies, private contractors, or municipal workers, who are making emergency repairs or deliveries that maintain or restore utility and necessary services which may be under the direction of the municipality or utility company but may do so with prior notice to the Police Department.

B. Such regulations shall not apply to or include domestic equipment used by the homeowner or resident of the property such as lawnmowers, leaf blowers, power or chain saws, snow blowers, and other similar equipment and machinery including snowplowing and snow clearing by private contractors, or those activities defined by 310 CMR 7.10.

C. Violations of this Section shall be subject to a fine of three hundred dollars ($300) for each violation.

D. Definitions
   1) The term "Burglar Alarm System" means an assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a 110 volt AC line

arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. The provisions of Section C of this bylaw shall apply to all users. Fire Alarm Systems and alarm systems which monitor temperature, smoke, humidity and any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this bylaw.

2) The term "False Alarm" means:

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

   b) Any signal or automatic dialing device transmitted to the Police Department requesting or requiring or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusion, robbery or burglary, or attempted threat. For the purposes of this definition activation of alarm systems for the purposes of tasting with prior approval of the Police Department, or by act of God, disturbances shall not be deemed to be a false alarm.

3) The term, "Automatic Dialing Device" refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation which the alarm system is designated to detect.

E. Control and Curtailment of Signals Emitted by Alarm Systems

1) Every alarm user shall submit to the Police Chief the alarm user's name, address and telephone number, and the names and telephone numbers of at least two other persons who are authorized to respond, after notification by the Police Department, to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed. It shall be incumbent upon the owner/alarm user of said premises to immediately notify the Norfolk Police Department of any change in the list of employees or other persons authorized to respond to alarms.

2) All alarm systems installed after the effective date of this bylaw which use an audible horn or bell shall be equipped with a device which will shut off such bell or horn within (15) minutes after activation of the alarm system. All existing alarms within the Town of

   Norfolk must have a shut-off device installed within six (6) months of passage of this bylaw.

3) Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7 p.m. and 5 a.m. which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated under paragraph (1) of this section, and which disturbs the peace, comfort or repose of a community, neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continued and uninterrupted signal, the Police Department shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph (1) of this section in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names

and addresses of all complainants and the time each complaint was made.

4) No alarm system which is designated to transmit emergency messages or signals to the Police Department shall be tested until the Police Department has been notified.

5) The provisions of this bylaw shall not apply to premises owned by the Town nor to alarm devices installed in a motor vehicle or trailer.

D. Penalties

1) The alarm user shall be assessed fifty dollars ($50) as a false alarm service fee for each false alarm in excess of three (3) occurring within a calendar year. The Police Chief shall notify the alarm user either by certified mail or by service in hand by a police officer of such violation and said alarm user shall submit payment within fifteen (15) days of said notice to the Town Treasurer for deposit into the General Fund.

2) The owner/alarm user of a system which occasions six (6) or more false alarms within a calendar year or fails to pay the fine after said notice may be ordered to disconnect and otherwise discontinue the use of the same by the Board of Selectmen after a public hearing. (10/27/92)

SECTION 36. Regulation of the Use of Construction Equipment

No person or persons shall cause, allow or permit the operation of equipment or machinery associated with site work, construction or demolition between the hours of 7:00 p.m. and 7:00 a.m., Monday through Saturday, and all hours on Sunday, and State holidays without the expressed approval of the Board of Selectmen, and the issuance of a work permit by the Chief of Police. Such regulations shall not apply to domestic equipment such as lawnmowers and power saws or activities defined by 310 CMR 7.10. Violations of this Section shall be subject to a fine of three hundred dollars ($300) for each violation.

ARTICLE XI: FIRE DEPARTMENT REGULATIONS

SECTION 1. Authority of the Fire Chief to Investigate Fire Hazards

The Chief of the Fire Department may, and upon complaint of a person having interest in any building or premise or property adjacent thereto, shall, at all reasonable hours enter into buildings and upon premises within his jurisdiction and make an investigation as to the existence of conditions likely to cause fire. He shall in writing order such conditions, if existing, to be remedied and whenever such office finds in any building or upon any premises any accumulation of combustible rubbish, including waste paper, rags, cardboard, string, packing material, sawdust, shavings, sticks, waste leather or rubber, broken boxes or barrels or other refuse that is or may become dangerous as a fire menace to such building or premises, he shall in writing order the same to be removed or such conditions to be remedied. Whoever refuses or neglects to comply therewith shall be punished by a fine of not less than ten (10) or more than fifty dollars ($50) for each day during which neglect or refusal continues. (3/16/36)

SECTION 2. Removal of Burned or Dangerous Buildings

A. The owner or authorized agent of a burnt or dangerous building shall provide for its removal upon being issued an order by the Board of Selectmen, Board of Health, or Building Commissioner. If the owner or his authorized agent fails to comply with an order issued by one of the aforementioned Town agencies pursuant to the relevant Massachusetts General Laws, Chapter 139, Sections 1 – 3B, Chapter 111, Sections 123 – 125, or Chapter 143,

Sections 6 – 11, the Town may demolish or secure any burnt or dangerous structure and recover its costs as provided by law.

B. Violators of this section shall be subject to a fine of three hundred dollars ($300) for each day the burnt or dangerous structure is not demolished or secured after receiving written notice requiring said actions to be performed. (8/1/00)

ARTICLE XII: CEMETERIES

SECTION 1. Authority of the Board of Cemetery Commissioners

The Town of Norfolk Board of Cemetery Commissioners pursuant to Massachusetts General Laws, Chapter 41, Section 21, in accordance with Massachusetts General Laws, Chapter 114, Section 27 duly adopted by the public vote on May 6, 1974, shall be responsible for the care and management of public cemeteries in the Town and shall have such powers and make such rules and regulations with respect thereto as may be authorized by law. Copies of such rules and regulations shall be filed with the Board of Selectmen and the Town Clerk.

SECTION 2. A Fund for Proceeds from the Sale of Cemetery Lots

The proceeds from the sale of lots, purchase of perpetual care, and miscellaneous costs of internment shall be paid to the Town Treasurer to be kept by him separate and apart from other funds of the Town, and income from the investment of said funds shall be credited to the fund. By majority vote of Town Meeting the proceeds of said fund may be appropriated for expenditure by said Commissioners for the care (including ordinary maintenance) improvements, embellishment or expansion of said cemeteries as provided by the laws of the Commonwealth of Massachusetts, and any balance remaining at the end of any fiscal year shall be returned to said fund. (6/2/82)

ARTICLE XIII: ANIMAL REGULATIONS

SECTION 1. Responsibility of Animal Owners

No owner or person having the care of any sheep, goats, swine, oxen, cows, horses or other grazing animals or fowl, shall permit or suffer the same to go at large or to graze on any street, way, common, square or other public place within the Town; nor permit any such animal to go upon any sidewalk therein except for the purpose of crossing the same. (3/16/36)

SECTION 2. Disturbing Noises from Animals

No person shall keep any bird, fowl, or other animal which by barks, howls or other noises disturbs the peace and quietness of any resident of the Town. (3/16/36)

SECTION 3. Dog Regulations

A. Definitions

1) Dog: Shall mean all animals of the canine species, both male and female.

2) Owner or Keeper: Shall mean any person or persons, firm, association or corporation keeping or harboring a dog.

3) At large: Any dog shall be deemed to be at large when it is off the premises of its owner or keeper and not under the care and control of a person demonstrating the

ability to control the dog.

4) Care and Control: A dog shall be considered in care and control while on the premises of its owner or keeper or if the dog is on the premises of another person with knowledge and expressed permission of such other person. A dog under voice command or leashed shall be considered in the care and control of a person only if said person is competent to prevent the dog from becoming a threat to public safety.

5) Restraint: To limit, restrict, and keep in control by means of a leash, or by confinement within a building or a fenced barrier from which the dog cannot escape. The main purpose being to restrict the dog within specific boundaries.

6) Animal Control Officer: Shall be that person or persons appointed by the Selectmen to enforce this bylaw.

B. Public Nuisance

A dog shall be deemed a public nuisance for any of the following reasons (but not limited to):

1) If such a dog is found to be at large;

2) If such dog shall persistently and prolongedly bark or howl;

3) If found without wearing a license and a vaccine tag as required by Section B of this bylaw;

4) If found in a schoolyard, public or private recreation area, store, or shopping area except that a "seeing eye" dog (or other certified assistance dog) under the care and control of its owner shall be deemed to be exempt from this provision;

5) For having bitten or attacked any person;

6) For having killed or maimed or otherwise damaged any wild or domestic animal;

7) For chasing a domesticated animal, pedestrian, or vehicle on a way to which the public has a right to access within the Town;

8) For damaging or destroying property that does not belong to its owner or keeper;

9) Except that a police dog acting in the line of duty shall not be considered a public nuisance;

10) Except that a dog being used as a so-called "hunting dog," which is being supervised as such by a person demonstrating the ability to control such dog so that it will not be a threat to public safety, shall not be considered a public nuisance;

C. License and Tags

1) Any owner or keeper of a dog six months of age or older shall, beginning January 1 cause the dog to be registered, numbered, described, and licensed with the Town Clerk in accordance with the laws of the Commonwealth of Massachusetts. The license shall be valid until the following December 31st.

2) As a prerequisite to such licensing, the owner or keeper of the dog must present evidence to the Town Clerk that the dog, if six months of age or older, shall have a current vaccination against rabies, and proof of spaying or neutering, if applicable. The fee for such a license shall be as established in Section H of this bylaw.

3) Should any owner of a dog previously licensed in the Town of Norfolk, fail to re-license his/her dog before May 1, the owner shall pay a late fee of $25.00.

4) The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness to which shall be securely attached:
   a) The tag evidencing current rabies inoculation; and
   b) The license issued by the Town Clerk of Norfolk for the current license period.

5) No fee shall be charged for a license for a dog specially trained to lead or serve a blind person; provided that the Division of the Blind certified that such dog is so trained and actually in the services of a blind person. The same shall apply to a certified service dog.

D. Control of Dogs

1) No owner or keeper of any dog shall at any time permit his/her dog, licensed or unlicensed, to become a public nuisance within the Town of Norfolk. Any owner found in violation of any provision of this bylaw shall be fined for each offense as established in Section H. of this bylaw, after receiving written notice under Section 1 of this bylaw. (10/22/02)

2) Dog excretions on either public or private property must be removed and disposed of immediately by the owner(s) or keeper(s) of the dog or the person(s) under whose care and control the owners have placed the dog. In any event, if this section is violated, the dog shall be deemed to be a public nuisance and such violation shall be considered a violation by the owner(s) or keeper(s) of the dog subject to a non-criminal fine listed in Section 3H. (10/22/02)

3) Impoundment by Animal Control Officer: It shall be the duty of the Animal Control Officer to apprehend any dog found at large in any street or public place within the Town of Norfolk in violation of any of the provisions of this bylaw and to impound such dog. The Animal Control Officer upon receiving any such dog shall make a complete registry entering the breed color and sex of such dog and whether licensed. The owner of the dog, if known, shall be notified as soon as possible that the dog has been impounded. The owner of any dog so impounded may claim such dog upon the reimbursement to the Animal Control Officer the expenses for maintaining said dog while impounded in addition to the fines established in Section H. of this bylaw. Prior to its release, any dog that is at least six (6) months of age must have proof of current

   rabies inoculation shall have a proper license from the Town Clerk and be properly tagged.

E. Disposition of Unclaimed Dogs

Any dog which has been impounded and has not been redeemed by the owner within ten (10) days shall be disposed of as provided by Chapter 140, Section 151A of the General Laws of the Commonwealth of Massachusetts and any amendment thereto.

F. Restraint by Order of the Animal Control Officer

1) If any person shall make a complaint in writing to the Animal Control Officer or the Town that any dog within his jurisdiction is a public nuisance, the Animal Control Officer shall investigate such complaint and may restrain or muzzle or issue an interim order to restrain or muzzle for a period not to exceed fourteen (14) days. The Animal Control Officer may take similar action, without written complaint, should he/she become aware that any dog is a public nuisance.

2) Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Selectmen a report of the action and the reasons therefore. Upon receipt of such report, the Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. If the Selectmen fail to act upon the report during the period the dog is

restrained or muzzled, upon expiration of the period, the interim order automatically is vacated.

G. Appeal

1) The owner or keeper of any dog that has been ordered restrained or muzzled under this bylaw may, within seven (7) days after such an order of restraint, file a request in writing with the Animal Control Officer that the restraining order be vacated, or released. Requests shall be filed by the Animal Control Officer with the District Court Clerk who shall schedule a hearing pursuant to Massachusetts General Laws, Chapter 140, Section 173A, as amended.

2) The Animal Control Office may file a complaint with the District Court Clerk if the owner or keeper of any dog under a permanent restraint order continues to be a public nuisance, or has failed to pay fines within 30 days after receiving written notice under Section H of this bylaw.

3) The decision of the Court shall be final and conclusive on all parties. (8/01/00)

H. Fees and Fines:

1) Failure to re-license dog by May 1 .....$ 25

2) Non-Criminal Disposition:

a) Whoever violates any provision of these bylaws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended.

3) Enforcement Agent: Animal Control Officer

4) Fines for Violation of this bylaw:

First Offense .....Warning
Second Offense.....$ 30
Succeeding Offenses .....$ 50 for each offense (9/1 /93)

Article XIV: Non-Criminal Notice

SECTION 1. Notice Form

The Chief of Police shall establish the form of notice to be utilized by enforcement personnel.

SECTION 2. Enforcement of Bylaws

The Non-Criminal Notice form, at the discretion of the enforcing agent, may be utilized as an alternative to initiating criminal proceedings for violations of any Town bylaw or any rule or regulation of any Town officer, board or department, the violation of which is subject to a specific penalty and which is included in Appendix A.

SECTION 3. Enforcing Agent

The "Enforcing Agent" shall be as previously designated by the Board of Selectmen and as listed in Appendix A for each bylaw.

SECTION 4. Penalties

Penalties for violations shall be as in Appendix A.

SECTION 5. Severability of Provisions

The provisions of this regulation shall be deemed severable and in case any section, paragraph or part of this regulation shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the decision of such court shall not effect or impair the validity of any other section, paragraph or part of this regulation.

SECTION 6. Proceedings

Proceedings held pursuant to Article XII and Massachusetts General Laws. Chapter 40, Section 21D shall not be deemed to be criminal proceedings nor shall a conviction for such a violation be shown to affect the credibility of a witness.

SECTION 7. Effective Date

This regulation shall be effective on March 6, 1989.

A. Procedures:

1) Violation citation issued by the enforcing officer for each designated bylaw infraction;

2) Citation and copies dropped off at the Norfolk Police Department each day;

3) Police Department sends/brings these citations to Wrentham District Court;

4) Incident report filed with the violation citation clarifying details of the citation;
5) The enforcing officer shall, if possible, deliver to the offender a copy of the citation at the time and place of the violation. If it is not possible to deliver a copy of the citation to the offender, the copy of the citation shall be mailed or delivered by the enforcing officer, or other designated person, within fifteen (15) days after the violation, to the last known address of the offending party. The copy of the citation will be mailed certified mail, return receipt requested. The letter to the offending party, if mailed, will contain instructions or explanation as to how the ticket is paid;

6) Within twenty-one (21) days of the citation, the person may appear before the clerk magistrate of the court, or mail the citation with a check in the proper amount of the fine assessed to the clerk of courts; and, once paid, this will be considered final disposition of the case;

7) If a person receiving a citation contests the validity of the citation, that person may request a hearing within twenty-one (21) days of the date of the citation notice. The request for a hearing must be in writing. Any hearing requested shall not be considered a criminal hearing, and the decision of the hearing officer will be the final disposition of the hearing;

8) If the citation remains unpaid after twenty-one (21) days, a second notice will be sent to the offender allowing an additional ten (10) days to pay the fine;

9) If the citation remains unpaid after the second ten (10) day period and no hearing has been requested, the clerk shall notify the enforcing officer who issued the original complaint for the violation who shall determine whether to apply for the issuance of a criminal complaint for the violation;

10) These proceedings, if handled under the non-criminal disposition of violation, will have no impact on probation records nor shall be noted on probation records.

APPENDIX A

ALCOHOLIC BEVERAGE BYLAW -- Article X, Sections 25 & 27.
Fine Allowed: $300
Enforcement Agent: Police Officers
Fine Schedule: 1st and each successive offense $50

ANIMALS BYLAW -- Article XIII, Section 1 & 2.
Fine Allowed: $30
Enforcement Agent: Animal Control Officer
Fine Schedule: 1st offense-warning; 2nd offense $25

CONSERVATION LAND RULES AND REGULATIONS
Fine Allowed: $300
Enforcement Agent: Conservation Commission
Fine Schedule: $300

DISCARDING INJURIOUS MATERIALS/DISCARDING LITTER, PAPER OR RUBBISH (10/26/04) Article X, Sections 9 and 10:
Fine Allowed: $300.00 C40, S21
Enforcement Agent: Police Officers
Fine Schedule: $300.00

DOG BYLAW -- Article XIII, Section 53F
Fine Allowed: $50
Enforcement Agent: Dog Officer
Fine Schedule: 1st offense-warning; 2nd offense $25

EARTH REMOVAL BYLAW -- Article VII, Section 1H
Fine Allowed: $300
Enforcement Agent: Police Officer

Fine Schedule: 1st offense $50
2nd offense $100
3rd and each subsequent offense $200

PEEPING BYLAW -- Article X, Section 24
Fine Allowed: $300
Enforcement Agent: Police Officer
Fine Schedule: 1st and each successive offense $20

PUBLIC PARKS, WAYS, PLAYGROUNDS, PLACES -- Article X. Sections 4,7,8,9,11,15,32
Fine Allowed: $300
Enforcement Agent: Police Officer
Fine Schedule: 1st offense-warning
2nd offense $25
3rd and each successive offense $50

SANITARY LANDFILL REGULATIONS (4/11/91)

A. DUMPING OF TRASH BY NORFOLK RESIDENTS WITHOUT A PERMIT - Sect. 6
Fine Allowed: $50
Enforcement Agent: Police Officer
Fine Schedule: 1st offense-warning,
2nd and each successive offense $50 fine

B. DUMPING OF TRASH FROM OUTSIDE NORFOLK - Sect. 6.2
Fine Allowed: $50
Enforcement Agent: Police Officers
Fine Schedule: 1st offense $25
2nd and each successive offense $50 fine

C. DUMPING OF HAZARDOUS WASTES
Fine Allowed: $300
Enforcement Agent: Police Officers
Fine Schedule: 1st offense $25
2nd and each successive offense $50

D. SHADE TREE DAMAGE -- M.G.L., C 87, Sec. 5.6
Fine Allowed: $50 each offense for root or limb damage or scarring,
$300 for replacement of the tree
Enforcement Agent: Tree Warden

E. SIGNS AND ADVERTISING DEVICES BYLAW -- Article IX, S.10
Fine Allowed: $300
Enforcement Agent: Building Commissioner
Fine Schedule: $100 per day—Non-criminal MGL, CH.270.

F. SMOKING IN PUBLIC PLACES
Fine Allowed: $25
Enforcement Agent: Police Officer

Fine Schedule: 1st and each successive offense $25

G. SOLICITING BYLAW -- Article X, Section 21
Fine Allowed: $50
Enforcement Agent: Police Officer
Fine Schedule: $50 each offense

H. STREET OPENING BYLAW -- Article X, Section 6
Fine Allowed: $300
Enforcement Agent: Building Commissioner
Fine Schedule: 1st and each successive offense $50

I. UNREGISTERED MOTOR VEHICLE BYLAW -- Article X, Section 22
Fine Allowed: $300
Enforcement Agent: Police Officer
Fine Schedule: 1st offense-warning
2nd offense $25 (30 days after notice)
3rd and each successive offense $50

J. TAXI CAB RULES AND REGULATIONS
Fine Allowed: $20
Enforcement Agent: Police Officers
Fine Schedule: 1st and each successive offense $20

K. ZONING BYLAW VIOLATIONS -- Zoning Bylaw, Section G, I, A&B
Fine Allowed: $300
Enforcement Agent: Building Commissioner
Fine Schedule 1st offense – warning;
2nd and each successive offense $300

L. STORM DRAIN SYSTEM BYLAW – Article VII, Section 6
Fine Allowed: $300.00
Enforcement Agent: DPW Director
Fine Schedule: 1st offense – warning
2nd offense - $100.00
3rd offense - $300.00