BYLAWS OF THE TOWN OF NORFOLK

Updated through Annual Town Meeting June 28, 2020

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)

C. The Town Clerk shall have the authority to assign appropriate numbers or letters to General Bylaw sections, subsection, paragraphs and subparagraphs and to make non-substantive editorial revisions to the same to ensure consistent and appropriate sequencing and numbering; and to make non-substantive editorial revisions or references regarding such numbering or lettering as contained within the bylaws to ensure accuracy and conformity. (November 19, 2019)

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. Moderator (updated 12/1/2015)

The term of the Town Moderator shall be three years.

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, copies of the warrants for all Town Meetings shall be available at Town Hall and the Norfolk Public Library and a copy of the warrant shall be posted on the Town's website 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 (5/13/09).

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: Town Meeting Procedure (5/13/08**)**

A. Purpose
The purpose of this Section is to provide a clear set of procedures governing all Annual and Special Town Meetings. With the application of these procedures, it is intended that all attendees of Town Meeting shall be given a full and fair opportunity to voice their views while maximizing efficiencies that are necessary to conduct the business of the Town

B. Organizational Meeting
At least two weeks before every Annual and Special Town Meeting, the Moderator shall conduct a duly noticed public "Organizational Meeting" with the Town Clerk, Town Administrator and the Chairperson or designees of the Chair of the Select Board and Advisory Committee as well as any other interested persons. The purpose of the organizational meeting shall be to discuss the Moderator's organization and operation of Town Meeting, including order of the articles and Consent Calendar, length of expected debate on each article, length of presentation on substantial articles, need for audio-visual aids, requests for presentations to Town Meeting by committees or non-voters and other procedural issues. The merits of any article shall not be discussed at the organizational meeting.

C. Consent Calendar
The purpose of the "Consent Calendar" shall be to identify articles that are routine and to allow a single vote, without debate, on all such articles. At the Organizational Meeting, the Moderator, in consultation with the Chair of the Select Board and the Advisory Committee or their designees, shall select from the warrant those articles which in the experience and judgment of such officials and the Moderator are deemed likely to be adopted without substantive debate and cause such articles, and the motions to be made under each one of them, to be identified in a Consent Calendar included as part of the report required to be prepared by Article III, Section 2(C). At an appropriate time during the Town Meeting, but no later than consideration of the third article, the Moderator shall announce consideration of the Consent Calendar. Upon such announcement the chair of the Advisory Committee shall forthwith move to adopt the motions in the Consent Calendar, as a group, without debate. After the motion is seconded, the Moderator shall recognize any voter for the purpose of holding out any article from the Consent Calendar and shall cause any article thus held out to be deleted from the motion to adopt. When all such requests to hold out articles have been received, the Moderator shall put the motion to adopt the Consent Calendar to a vote without debate. Adoption of the motion by majority vote shall constitute adoption by majority of all of the motions contained therein. Thereafter all articles held out, or if the motion to adopt is not approved by majority vote, all articles in the Consent Calendar, shall be acted upon individually.

D. Regulations for Addressing Town Meeting

1. Conduct of Speakers
Every person when about to speak shall rise, respectfully address the Moderator and wait until recognized by the Moderator and in speaking shall address all comments to the Moderator, shall confine themselves to the question under consideration and avoid personal attacks, inappropriate language, or uncivil conduct of any type. The Moderator may cut off any speaker who fails to adhere to this code of conduct. No person shall address the meeting without first being recognized by the Moderator and all persons shall, at the request of the Moderator, be silent.

2. Equal Opportunity for Debate
   Unless otherwise approved by the Moderator, (a) no person shall speak more than twice on any motion except to correct a mistake or misstatement, or to answer a question, or to raise a Point of Order; (b) no person shall speak more than five minutes the first time they speak on any article and more than three minutes the second or subsequent time they speak on that article; (c) no person may yield their speaking time to another person; and (d) except to answer a question or to raise a Point of Order, no person shall speak for a second time on any motion until all persons wishing to speak for a first time on that motion have been recognized. Any persons who desire to make lengthy presentations or use audio-visual aids are strongly encouraged to attend the Organizational Meeting and disclose such intentions to the Moderator. Clause A may be suspended for an individual article upon a majority vote of town meeting.

3. Speaking by Non-Voters
   Unless approved by the Moderator, non-voters shall not address Town Meeting except as follows:

   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 their department notwithstanding their 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 their 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 their commission, board or committee, notwithstanding their domicile or citizenship. (5/27/97)

4. Limiting Debate
   Any motion to move the question or cut off debate shall require a two-thirds vote and is not debatable or amendable. Acceptance of this motion is in the sole discretion of the Moderator, except the Moderator shall refuse to accept a motion to move the question or cut off debate (a) when made by a speaker after said speaker has made any remarks concerning the merits of the question then pending or (b) if the Moderator deems the motion to be premature.

E. Voting Procedures at Town Meeting
   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. The Moderator will count the vote any time it appears that a voice vote is too close to call. If any vote declared is immediately questioned by seven (7) or more voters, the Moderator shall verify it by polling the voters.

F. Motions
   The Advisory Committee shall provide the Town Clerk all main motions in writing, or electronically, 24 hours before any Annual or Special Town Meeting, accepting only motions

that are still under review or pending advice from Town Counsel. All other motions, including, but not limited to, Motions to Amend a previous Motion, shall be submitted in writing, unless otherwise allowed by the Moderator. A motion may be withdrawn by the mover. No motion to dissolve a Town Meeting shall be in order until every article in the Warrant has been duly acted upon at the meeting.

G. Motions to Reconsider
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 within two articles and at the same session on which the article was voted. (5/8/81/ Amended 5/3089)

H. Committee Reports
Committee Reports shall be limited to five minutes unless otherwise approved by the Moderator at the Organizational Meeting

I. Deputy Moderator
The Moderator shall preside at all sessions of the Town Meeting. At the first Town Meeting following the election of the Moderator, the Moderator may appoint a voter as Deputy Moderator to assist the Moderator, or to serve as Moderator with all the powers and duties of the office during the absence, disability or recusal of the Moderator. The appointment of a deputy moderator shall be subject to ratification by that town meeting. In the absence of both the Moderator and the duly ratified Deputy Moderator at any session of the Town Meeting, the Town Clerk shall open the meeting and preside over the election of a Temporary Moderator.

J. Town Meeting Rules
Before the first article at any Annual or Special Town Meeting, a majority vote of Town Meeting may adopt rules governing the conduct of that meeting to the extent not inconsistent with this bylaw. In responding to issues not addressed in this Section, the Moderator may be guided by the latest edition of "Town Meeting Time, a Handbook of Parliamentary Law."

SECTION 8 voting procedures at town meeting (deleted5/13/08)

SECTION 9 regulations for addressing town meeting (deleted 5/13/08)

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, Revocation or Suspension for Licenses and Permits for Failure to Pay Municipal Taxes or Charges

A. The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall periodically furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board. (amended 12/05/17)

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

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

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

This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty. (November 29, 2012)

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 (5/31/94)

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 Select Board. In the event of the absence of a provision in the bylaw, describing the appointing authority of the Town Administrator, the Select Board 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 Select Board 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 Select Board, 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 Select Board.

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 Select Board 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.

Section 7. Departmental Revolving Funds (updated 11/19/2019)

1. Purpose. This by-law establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:
   A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund [, except for those employed as school bus drivers].
   B. No liability shall be incurred in excess of the available balance of the fund.
   C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Select Board and Advisory Board.

3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, charter provisions, by-laws, rules, regulations, policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The town accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.

5. Authorized Revolving Funds.

The Table establishes:

A. Each revolving fund authorized for use by a town/city department, board, committee, agency or officer,

B. The department or agency head, board, committee or officer authorized to spend from each fund,

C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant,

D. Any reporting or other requirements that apply to each fund, and the fiscal years each fund shall operate under this by-law/ordinance.

E.

Revolving Fund	Department	Expenditure Limit
2100 - Parking Tickets	Select Board	$1,000
2102 – Recreation Field Maintenance	Recreation Commission	$100,000
2103 – Conservation Timber Harvesting	Conservation Commission	$5,000
2104 – Off-site Improvements	Planning Board	$91,000
2105 – Shade Tree and Scenic Roads	Planning Board	$10,000
2106 – Wetland Hearing Application	Conservation Commission	$5,000
2111 – Abutters List	Board of Assessors	$2,000
2112 – Police Vehicle Details	Chief of Police	$50,000
2113 – Subdivision Performance Inspection	Planning Board	$5,000
2114 – Cleaning and Maintenance-Unaccepted Subdivision	Planning Board	$30,000
2115 – Community Garden Rental	Select Board	$5,000
2152 – Passports	Board of Library Trustees	$5,000
2155- Lost or Damaged Library Materials	Board of Library Trustees	$7,500
2110 - Zoning Board-Advertising	Zoning Board	$5,000
2109 - Planning Board-Advertising	Planning Board	$5,000
2116 - Council on Aging	Council on Aging	$6,000
2114 - Tobacco Control Compliance Checks	Board of Health	1,0000

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 the Chairperson (the Chair) 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)

D. All Boards, Committees, and Commissions are required to keep accurate minutes in accordance with the Commonwealth of Massachusetts Open Meeting Law and file in a timely manner original signed minutes with the Town Clerk to be stored as permanent record. (12/05/2017)

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, their 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). Furthermore, for all Town Meetings, recommendations of the Advisory Committee shall be available at Town Hall and the Norfolk Public Library and a copy of the recommendations shall be posted on the Town's website not less than five (5) day, or ten (10) days in the case of a Special Town Meeting, before the day appointed for the same.(5/13/09 Amended 5/10/11)

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. Furthermore, for all Town Meetings, a copy of the warrant and the recommendations of the Advisory Committee shall be delivered to each residence prior to Town Meeting. (May 2009)

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

E. The Select Board, with the approval of the Chair 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. Deleted May 12, 2015

SECTION 4. Council on Aging

A. A Council of Aging of nine (9) members shall be appointed by the Select Board, following recommendations made by said Council, for three (3) year overlapping terms, provided that a term of less than three years may be established for any interim appointment so that the terms of no more than three members expire in any given year. Members shall serve without compensation. Any vacancy on the Council shall be filled by the Select Board following recommendations made by the Council. (5/18/10) (amended 11/27/2018)

B. After appointments are made by the Select Board 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. (Amended 10/22/02)

SECTION 5. Bylaw Committee (Deleted 12/1/2015)

SECTION 6. Committees for Major Building Projects (10/23/07) The Town Meeting shall establish a committee to oversee the design, construction, and completion of major buildings in the Town, the projected cost of which is in excess of 5% of the General Fund budget.

The term of the committee shall be the length of time of the project. The Committee shall consist of (subject to State and/or Federal statute or regulation) members of the Board or Committee for whose benefit the project is being constructed, the number of whom is the maximum number of members not constituting a quorum of that Board or Committee, the Senior manager(s) working under the supervision of that board or committee, the Town Administrator, the Building Commissioner (ex-officio and non-voting), and at least three, but not more than five members of the community appointed by the Select Board.

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.

D. 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 Select Board;

7) The four citizens appointed by the Select Board pursuant to Section C (6) herein shall be chosen one from each of the three precincts and one at large; (amended May 1, 2012)

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 Select Board 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)

SECTION 8. The Select Board, Zoning Bylaw Study Committee, Planning Board, Zoning Board of Appeals, Conservation Commission and Board of Health of the Town, whether established under this Article or under the General Laws, shall maintain accurate records of its meetings in accordance with G.L. c. 39, § 23B, and G.L. c. 66, § 6, and shall make provision for audio or audiovisual recording of the public portions of its meetings. Tapes or other audio or audiovisual recordings of meetings shall be preserved for a minimum of two years. (5/13/08)

ARTICLE IV: LEGAL AFFAIRS

SECTION 1. Authority of THE SELECT BOARD to Institute, Prosecute and Compromise Suits The Select Board 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 Select Board may appoint a Town Counsel who shall at all times furnish legal advice to any officer of the Town and may require their opinion upon any subject concerning the duties incumbent upon such officers by virtue of their office. They shall, whenever their 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 Select Board

All reports shall be placed in the hands of the Select Board 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

Prior to June 30th, the Select Board shall annually cause to be printed and made available to 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. (5/10/11)

SECTION 4. Responsibility of The Select Board to Prepare Annual Budget

The Select Board 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 Select Board 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 (section deleted 11/19/2019)

SECTION 4. Performance Bond Requirement

Every contract exceeding $10,000 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. Unless required by Massachusetts General Law, the awarding authority may waive this requirement. (3/16/36) Amended 3/18/63) (Amended 11/9/2019)

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 Planning Board of Norfolk.
B. Applicability: No earth shall be removed from any parcel of land or contiguous parcels under common ownership within the Town to another parcel either within or without the Town without a special permit except as follows: (updated 11/29 2012)

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 the claim and the basis for the claim, and must receive a written acknowledgement from said Board. In its acknowledgement, the Board may impose any reasonable restrictions. (5/20/87);

2) Removal of earth from a 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, provided such removal may not exceed an amount equal to the volume of the foundation and basement of the building;

    (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);

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

4) Moving and/or stockpiling of earth within a subdivision under construction, including construction on individual lots as well as roadways**,** provided that any stockpiles shall not be located within 500 feet of any lot for which an occupancy permit has been granted; (updated 11/29/2012)

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

6) Removal of less than 500 cubic yards of earth from any individual lot or site.

C. Special Permit Requirements: A special permit for removal of 500 or more cubic yards of earth may be granted by the Board after a finding by the Board that each of the following criteria has 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.

2) The proposed earth to be removed is the minimum necessary to remove a physical hardship and/or to facilitate efficient use of the land without causing an adverse impact as defined in Subsection B (3) below.

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.

5) Except for the infrastructure stage for a subdivision or other work for which no building permit is required, no earth removal may commence on any lot or site until a building permit is issued for a building on that lot or site.

D. For projects requiring subdivision approval, site plan approval or a special permit from the Planning Board, the earth removal permit shall be considered and approved as a component of the subdivision approval, site plan or special permit. No separate earth removal permit is necessary.

E. Grandfather Clause: Special Permits for earth removal granted by the Board prior to July 1, 2009 and which are in the excavation and removal process may be renewed at the discretion of the Board. (amended May 2009)

F. Application for a Special Permit Any person or corporation applying to remove earth from a location in the Town of Norfolk shall file an application for a Special Permit with the Board. All applications for Special Use Permits shall be accompanied by exhibits and documentation deemed necessary by the Board for the proper issuance of a Permit. The Board shall adopt rules and regulations pertaining to the contents of the application.

G. 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 stockpiled or removed and the location of the premises.

H. The Board shall be and hereby is authorized to set a reasonable application fee, based on actual costs, for all original and renewal applications for a Special Use Permit.

I. The Board 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)

J. 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 to remove the hardship and/or to facilitate maximum efficient use of the land.

K. Requirements for a Special Permit:

1) In approving the issuance of a Permit, the Board may impose reasonable requirements which shall constitute a part of the Permit and which may include but not be limited to:
    A. Grading, seeding and planting.
    B. Construction of necessary fencing and other protection against nuisances.
    C. Methods of removal, location and use of structures.
    D. Hours of operation, duration of the removal operation and routes of transportation of material removal.
    E. Control of drainage, disposition of waste incident to the operation, providing of adequate vegetation.
    F. 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 Select Board.

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 their 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)

L. Termination of a Permit:

1) Any Permit issued by the Board shall expire upon the termination date stated thereon. If the Board 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 G of the earth removal bylaw. Applications for renewal of a Permit expiring must submit for renewal 30 days prior to existing permit expiration... In such application, documents used for the original issuance of permit may be revised to show the conditions existing at the time of reapplication which includes an As Built plan with all calculations of material moved to date and remaining material to be removed. Information thus required will be stated in Section H of the bylaw, Application for Special Permit. (5/8/1980 Amended 5/31/1989, 5/12/2009).

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

O. 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 one hundred (100) dollars for the first offense, not more than two hundred (200) dollars for the second offense, and not more than three hundred (300) dollars for any subsequent offense. Each day of non-compliance can 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; 5/13/09)

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 resource area 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 “resource area values protected by this bylaw”). (Amended 11/09/2010)

B. Jurisdiction

Except as permitted by the Conservation Commission (Commission) or as provided in this bylaw, no person shall remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: (Amended 11/9/2010)

1) Resource areas within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp, vernal pool; within 100 feet of any bank, beach, or flat; any lake, river, pond, stream, estuary, or riverfront area; any land under said waters; or within 100 feet of any land subject to flooding or inundation by groundwater or surface water. (Amended 05/26/1998)(Amended 11/9/2010)

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.

3) 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.

4) 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) (deleted 10/26/04)

9) (deleted 10/26/04)

10) (deleted 10/26/04)

11) (deleted 10/26/04)

(12) The Town hereby accepts G.L. c.44, sec.53G for purposes of administering jointly the filing fee and professional service conservation account provisions of this bylaw.

E. Notice and Hearings

1) Any person filing an application 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 abutters or any property owner within 100 feet of the property line

of the land where the activity is proposed, including any in another municipality or across a body of water. The notice to abutters shall enclose a copy of the application, 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. (Amended 11/9/2010)

2) 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.

3) 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.

4) 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.

5) 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.

6) 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.

7) 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 Select Board, Planning Board, Board of Appeals, Board of Health, Fire Department, Building Commissioner and Department of Public Works. (amended 11/9/2010)

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 14 days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any such comments and recommendations and to respond to them at a hearing of the Commission, prior to final action.

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 E, and Section F and after a public hearing. (amended 11/9/2010)

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 there under by violation notices, administrative orders, and civil and criminal court actions.

3) Upon request of the Commission, the Select Board 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 there under, or Permits issued there under, 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.

6) As an alternative to criminal prosecution in a specific case, the Commission may issue citations under the non-criminal disposition procedure set forth in G.L. c.40, Sec. 21D, as amended, and adopted by the Town as a general bylaw.

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 there under.

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 runoffs are major causes of: impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;

(1) contamination of drinking water supplies;
(2) contamination of clam flats and other coastal areas;
(3) alteration or destruction of aquatic and wildlife habitat; and
(4) 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 firefighting 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, ordinances, accumulations and floatables;
(5) pesticides, herbicides, and fertilizers;
(6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
(7) dissolved and particulate metals;
(8) animal wastes;
(9) rock; sand; salt, soils;
(10) construction wastes and residues;
(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.

E. 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 firefighting 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.

SECTION 7: POST-CONSTRUCTION STORMWATER MANAGEMENT OF NEW DEVELOPMENTS & REDEVELOPMENTS (10/23/07)

Section 1. PURPOSE

Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of the Town of Norfolk's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increases in impervious surface 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. erosion of stream channels;
4. alteration or destruction of aquatic and wildlife habitat; and
5. flooding.

Therefore, this bylaw establishes stormwater management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be borne by abutters, townspeople and the general public. The objectives of this by-law are:

1. To require practices to control the flow of stormwater from new and redeveloped sites into the Town of Norfolk storm drainage system in order to prevent flooding and erosion;
2. To protect groundwater and surface water from degradation;
3. To promote groundwater recharge;
4. To prevent pollutants from entering the town's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
5. To ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;
6. To comply with state and federal statutes and regulations relating to stormwater discharges; and
7. To establish the Town of Norfolk's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

Section 2. DEFINITIONS

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area. BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff. THE BOARD – Town of Norfolk Planning Board. CLEARING: Any activity that removes the vegetative surface cover. DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction. DISTURBANCE OF LAND: Any action that causes a change in the position, location, or arrangement of soil, sand rock, gravel of similar earth material. GRADING: Changing the level or shape of the ground surface. GRUBBING: The act of clearing land surface by digging up roots and stumps. 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. MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity and quality of runoff from a site. 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. NORMAL MAINTENANCE: Includes activities generally recognized as tasks relating to the use of fertilizers, compost materials and other soil amendments; mowing and brush cutting; maintenance and repair of existing fences; and the cleaning, clearing, repairing or restoring of existing man-made or natural water management systems, such as ditches, channels, or other waterways. In all cases, normal maintenance does not include placing fill, or dredging water bodies. OPERATION AND MAINTENANCE PLAN: A plan establishing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth. OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated. OWNER: A person with a legal or equitable interest in property. 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. POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged. REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites. RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface. STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit. See Section 7. STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage. TSS: Total Suspended Solids.

Section 3. AUTHORITY

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

Section 4. APPLICABILITY

A. No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one acre of land, or will disturb less than one acre but is part of a larger plan of development that will ultimately disturb equal to or greater than one acre of land, without a permit from the Planning Board. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site.

B. Exemptions Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04; Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling; The construction of fencing that will not substantially alter existing terrain or drainage patterns; Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns; As authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the activities identified in Section 4 that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission is exempt from compliance with this bylaw.

Section 5. ADMINISTRATON

A. The Planning Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to its employees or agents. Specifically, the Board relies upon the Department of Public Works (DPW) for the review of technical and engineering documentation required under this by-law. All projects meeting the requirements will be processed and administered through the Planning Board.

B. Rules and Regulations. The Planning Board may adopt, and periodically amend, rules and regulations relating to the procedures and administration of this Stormwater Management By-law, by majority vote of the Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date.

Section 6. PERMITS and PROCEDURE

A. Filing Application. The site owner or their agent shall file with the Planning Board hereinafter the Board, twelve (12) copies of a completed application package for a Stormwater Management Permit (SMP). Permit issuance is required prior to any site altering activity. While the applicant can be a representative, the permittee must be the owner of the site. The SMP Application package shall include: Completed Application Form with original signatures of all owners; List of abutters, certified by the Assessor's Office; One (1) copy of the Stormwater Management Plan and project description as specified in Section 7.A.; One (1) copy of the Operation and Maintenance Plan as required by Section 8 of this bylaw; Payment of the application and review fees. Applicant shall file one (1) original Application Form, the Stormwater Management Plan, the Operation & Maintenance Plan, and the list of abutters with the Town Clerk.

B. Entry. Filing an application for a permit grants the Board, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit.

C. Other Boards. The Board shall give one copy of the application package to each of the other relevant boards, including Conservation Commission, Department of Public Works, Board of Health, and Building Department.

D. Fee Structure. The Board shall obtain with each submission an Application Fee established by the Board to cover expenses connected with the public hearing and application review of the Stormwater Management Permit and a technical Review Fee sufficient to cover professional review. The Board is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Board on any or all aspects of these plans. Applicants must pay review fees before the review process may begin.

E. Public Hearing. The Board shall hold a public hearing within forty-five (45) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the close of the hearing unless such time is extended by agreement between the applicant and the Planning Board. Notice of the public hearing shall be given by publication in a local paper of general circulation, by posting and by first-class mailings to abutters at least seven (7) days prior to the hearing.

F. Actions. The Board's action, rendered in writing, shall consist of either: Approval of the Stormwater Management Permit Application based upon determination that the proposed plan meets the Standards in Section 7 and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this by-law; Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the Board which will ensure that the project meets the Standards in Section 7 and adequately protect water resources, set forth in this by-law; Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not meet the Standards in Section 7 or adequately protects water resources, as set forth in this by-law.

H. Failure of the Board to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without Board action, the Board must issue a Stormwater Management Permit.

I. The permittee, or their agent, shall notify the Board in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Board determines that the change or alteration is significant, based on the design requirements listed in Section 7A and accepted construction practices, the Board may require that an amended Stormwater Management Permit application be filed and a public hearing held. If any change or deviation from the Stormwater Management Permit occurs during a project, the Board may require the installation of interim measures before approving the change.

A. Project Completion. At completion of the project the permittee shall submit as-built record drawings of all structural stormwater controls and treatment best management practices required for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

Section 7. STORMWATER MANAGEMENT PLAN

A. The application for a stormwater management permit shall consist of submittal of a Stormwater Management Plan to the Board. This Stormwater Management Plan shall contain sufficient information for the Board to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Massachusetts Stormwater Management Standards as set forth in Part B of this section and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:
   A locus map,
   The existing zoning, and land use at the site,
   The proposed land use,
   The location(s) of existing and proposed easements,
   The location of existing and proposed utilities,
   The site's existing & proposed topography with contours at 2 foot intervals,
   The existing site hydrology,
   A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows.
   A delineation of 100-year flood plains, if applicable

Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration.
The existing and proposed vegetation and ground surfaces with runoff coefficient for each,
A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths,
A description and drawings of all components of the proposed drainage system including: locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;
All measures for the detention, retention or infiltration of water;
All measures for the protection of water quality;
The structural details for all components of the proposed drainage systems and stormwater management facilities;
Notes on drawings specifying materials to be used, construction specifications, and typicals, and expected hydrology with supporting calculations.
Proposed improvements include location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable.
Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization, (an approved Erosion and Sediment Control Plan, as described in the Subdivision Rules and Regulations Section 5.3(6) is understood to meet the requirements of this section.)
A maintenance schedule for the period of construction, and
Any other information requested by the Board.

B. Standards

All projects at a minimum shall meet the stormwater runoff control standards of the Massachusetts Stormwater Management Policy, which are as follows:

No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or water of the Commonwealth. Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.

Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.

For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when: Suitable nonstructural practices for source control and pollution prevention and implemented; Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and Stormwater management BMPs are maintained as designed. Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited. Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies. Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum

extent practicable. However, if it is not practicable to meet all the Standards, new (retrofitted or expanded) stormwater management systems must be designed to improve existing conditions. Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities. All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.

Section 8. OPERATION AND MAINTENANCE PLANS

An Operation and Maintenance plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this Bylaw and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Board shall make the final decision of what maintenance option is appropriate in a given situation. The Board will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The Operation and Maintenance Plan shall remain on file with the Board and shall be an ongoing requirement. The O&M Plan shall include:

A. The name(s) of the owner(s) for all components of the system

B. Maintenance agreements that specify: The names and addresses of the person(s) responsible for operation and maintenance The person(s) responsible for financing maintenance and emergency repairs. A Maintenance Schedule for all drainage structures, including swales and ponds. A list of easements with the purpose and location of each. The signature(s) of the owner(s).

C. Stormwater Management Easement(s). Stormwater management easements shall be provided by the property owner(s) as necessary for: access for facility inspections and maintenance, preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event. direct maintenance access by heavy equipment to structures requiring regular cleanout. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Board. Easements shall be recorded with the Norfolk County Registry of Deeds prior to issuance of a Certificate of Completion by the Board.

D. Changes to Operation and Maintenance Plans The owner(s) of the stormwater management system must notify the Board of changes in ownership or assignment of financial responsibility. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the Board and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

Section 9. SURETY

The Board may require the permittee to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Board to ensure that the work will be completed in accordance with the permit. If the project is

phased, the Board may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Board has received the final inspection report as required by Section 10 and issued a Certificate of Completion.

Section 10. INSPECTIONS

The Board shall inspect the project site at the following stages:

A. Initial Site Inspection: prior to approval of any plan.

B. Erosion Control Inspection: to ensure erosion control practices are in accord with the filed plan.

C. Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.

D. Final Inspection. After the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The Board shall inspect the system to confirm the "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate they shall so report to the Board which will issue a Certificate of Completion. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act the Town of Norfolk may use the surety bond to complete the work. Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

Section 11. WAIVERS

A. The Board may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where: such action is allowed by federal, state and local statutes and/or regulations, is in the public interest, and is not inconsistent with the purpose and intent of this by-law.

B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-law does not further the purposes or objectives of this bylaw.

C. All waiver requests shall be discussed and voted on at the close of the public hearing for the project.

Section 12. CERTIFICATE OF COMPLETION

The Board will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw.

Section 13. ENFORCEMENT

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

B. Orders The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include requirements to: cease and desist from construction or land disturbing activity until there is compliance with the bylaw and the stormwater management permit; repair, maintain; or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan. perform monitoring, analyses, and reporting; remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system. If the enforcing person determines that abatement or remediation of adverse impacts 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 the property owner shall reimburse the town's expenses. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall 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 Board 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 Board 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.

C. Criminal Penalty. Any person who violates any provision of this by-law, or regulation, order or permit issued thereunder by indictment or complaint brought to the Superior Court, Housing Court or Worcester District Court, 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.

D. 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: Non-Criminal Notice of the General Bylaw of the Town of Norfolk, in which case the DPW Director shall be the enforcing person. Specific penalty fees for violations will be established as part of the rules and regulations.

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

F. Remedies Not Exclusive
The remedies listed in this by-law are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 14. Severability

If any provision, paragraph, sentence, or clause of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

SECTION 8: Property Stabilization By-law (10/23/07)

A. Purpose: To protect against erosion and sedimentation; to limit adverse impacts to adjacent properties; to protect against attractive nuisances; and to preserve scenic and historic vistas by and to ensuring that any property or portion thereof that is cleared in preparation for construction or any other purposes is not left in an open and unstabilized state.

B. Applicability: All properties that have been cleared of trees, shrubbery, grass, topsoil and/or any other natural features shall be considered an "Unstabilized Property" which shall require a special permit under this by-law if such property remains in an unstabilized state for more than 60 days. This By-law shall apply to all Unstabilized Properties even if such property is the subject of a permit for construction, earth removal, improvement or alteration of any type. This By-law shall also apply to all properties that are the subject of such permit under which activities have been commenced, if such activities are delayed, postponed, halted, ceased or otherwise inactive for any period of 60 days or more. Under this by-law, "Unstabilized Property" shall not include: (1) property on which any activities, in the aggregate, destabilize less than 7500 square feet; and (2) property on which clearing, plowing, tilling, harvesting or other destabilizing activities are associated with any legitimate agricultural activity.

C. Special Permit required. All owners of Unstabilized Properties must apply to the Select Board for a Special Permit for the stabilization of such property or such other orders and conditions as the Select Board may deem appropriate to satisfy the provisions of this By-law. Similarly, the Select Board may issue orders hereunder for any Unstabilized Property that does not voluntarily seek a Special Permit hereunder.

D. Basic Requirements. Any application, order or Special Permit hereunder shall make accommodations for the temporary or permanent landscaping of an Unstabilized Property that shall, in the discretion of the Select Board be necessary for the stabilization of the subject property. At the very least, such landscaping improvements shall include the placement of fertile topsoil and the maintenance of grass thereon, provided however, that, for good cause shown, the Select Board may allow an Unstabilized Property to remain in an unstabilized state for an additional 60 days. In reviewing the propriety of any landscaping improvements, it must be demonstrated that the proposed landscaping improvements comply with accepted standards for stormwater management, including state, local and federal guidelines as well as recognized best management practices. In issuing a special permit hereunder, the Select Board may impose any such conditions as may be necessary to further the purposes of this by-law, including, but not limited to, conditions for the continued maintenance of landscaping improvements. The Select Board may also waive strict compliance with the terms hereof where good cause is demonstrated by the applicant.

E. 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 and the location of the premises. Every applicant or an agent on their 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 on their 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.

F. 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.

G. The Select Board 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.

H. The applicant shall provide plans of the proposed landscaping improvements along with the necessary documentation to demonstrate that such improvements satisfy the provisions of this Bylaw.

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

J. 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 Select Board may also enforce the provisions of this By-law in equity in a Court of competent jurisdiction. The Select Board may also revoke any Special Permit issued hereunder for violations of any terms thereunder.

SECTION 9: Planning Department (5/13/09)

A. There shall be a consolidated Planning Department in the Town of Norfolk which shall be responsible for the administration and support of all of the activities of the Zoning Board of Appeals, the Planning Board, the Conservation Commission and the Board of Health as further described in this Section.

B. The Planning Department shall be under the direction and control of the Director of Planning, provided that, in the absence of an appropriation for, or in the event of a vacancy in, such position, those duties shall be performed by the Town Administrator or their designee.

C. The functions of the consolidated Planning Department shall include the following: 1) Employment and supervision of all town staff and independent contractors providing services to the Zoning Board of Appeals, Planning Board, Conservation Commission and Board of Health; 2) Coordination of all land use and planning activities and services; 3) Maintenance of all records relating to land use and planning activities and services; 4) Payment of all financial obligations incurred by the Planning Department on behalf of the said Boards and Commission; 5) Collection of fees and fines due on account of the administration and enforcement of statutes, bylaws and regulations pertaining to land use; 6) Assistance to all other Town departments or offices in any matter related to land use or planning; 7) Oversight of the budget for land use and planning activities and services; 8) Management and performance of such additional matters and tasks as may be requested or determined necessary from time to time by the Zoning Board of Appeals, Planning Board, Conservation Commission and/or Board of Health.

F. Nothing in this bylaw shall be deemed to alter or infringe upon the authority, duties or responsibilities of the Zoning Board of Appeals, Planning Board, Conservation Commission or Board of Health as the same may be defined by statute or the bylaws of the Town, nor to alter the method of appointment or election of the members of said Boards and Commission. The intent of this bylaw is to centralize the responsibility for the expenditure of funds appropriated by the Town Meeting in support of the activities of the said Boards and Commission, to provide day-to-day supervision of full-time and part-time staff, to aid in the solicitation, award and management of contracts, and to achieve greater efficiencies in the provision of administrative support to the said Boards and Commission. Upon approval of this Bylaw, the individual salary and expense line items in the Town Budget for each of the aforesaid Boards and Commission shall be consolidated into salary and expense budget line items for the Planning Department.

SECTION 10: Delegation of Designation of the Permitting Authority for Trench Safety

Pursuant to G.L. c82A, s2, the Select Board shall act as the permit granting authority, or shall designate a Board or Officer, to issue permits for the purpose of creating a trench as that term is defined by G.L. c82A, s4 and 520 CMR 14.00 (collectively the “Trench Safety Law”). The Select Board may adopt regulations for the carrying out of said Trench Safety Law. (May 2009)

Section 11. Stretch Energy Code

A.Adoption. The Town of Norfolk has adopted the provisions of 780 CMR 115AA (i.e., Appendix 115.AA of the State Building Code or the “Stretch Energy Code”), including amendments or modifications thereto.

B.Purpose. The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

ARTICLE VIII: JUNK DEALERS AND COLLECTORS

SECTION 1. Licensing of Junk and Second-Hand Dealers

The Select Board 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 Select Board, 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 Select Board, 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 their shop a sign having their name and occupation legibly inscribed thereon in large letters; such shop, and all articles of merchandise therein, may at all times be examined by the Select Board 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 them 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 Select Board 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 Select Board, 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 Select Board. Municipal signs and hand held signs do not require approval by the Select Board. (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 Select Board.

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 concerning candidates for public office and ballot issues, unlimited in number and not exceeding eight (8) square feet in area per sign. Such signs shall be 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 Select Board. Such authorization may be obtained by filing a written request on an appropriate form with the Select Board. Said form shall require all pertinent information necessary for the Select Board 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 Select Board 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 Select Board, 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 Select Board 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 Select Board 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 Select Board 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 Select Boards Office. Such application shall be accompanied by a fee in accordance with the fee schedule as set forth by the Select Board 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 Select Board 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 Select Board 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 ARTICLE XIII, Section 1," (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 Select Board 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 Select Board 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 Select Board 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 themselves, 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 they are 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 their 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 Select Board in writing within seven (7) days of the denial by the Chief of Police. The Select Board 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 Select Board 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 Select Board within seven (7) business days and a hearing will be scheduled for one of the next two regularly schedule meetings of the Select Board.

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 that 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 their 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 ARTICLE XIII, Section 3. (10/23/91)

SECTION 24. Prohibition of Peeping

No person, except an officer of the law in the performance of their 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 their 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 their 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 Select Board 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, 5/18/10)

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 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. (5/18/2010)

E. No person shall ride horses or other animals on town owned land that is primarily used for school purposes, athletic fields, or the town common

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…….Warning
Second Offense……$50
Third and subsequent offenses……. $100

(5/18/2010)

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)

A. 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 their 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 testing 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.

B. 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.

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.

3. 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.

4. 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.

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

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 all hours on the following Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas, without the express approval of the Town Administrator and the issuance of a work permit by the Chief of Police. Such regulation 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 under the direction of the municipality or utility company, but such work shall require prior notice to the Police Department. (updated 11/2013)

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.

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

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 Select Board, 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.

SECTION 37. Public Consumption of Marijuana or Tetrahydrocannabinol

Prohibition on Use

A. Not in a Motor Vehicle: No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, §1) while in or upon any public building, vehicle controlled by the Town, recreational area, playground, park, beach, boat landing or launch, schoolhouse, school grounds, street, sidewalk, public way, passageway, bridge, stairs, parking lot, cemetery, bus stop, or any area or property owned or under the control of the Town, or any area accessible to the public.

B. In a Motor Vehicle: The consumption of marijuana or tetrahydrocannabinol is also prohibited in any motor vehicle in or on a public way whether or not the user is operating the vehicle or whether the vehicle is in operation at all.

Violations and Penalties Whoever violates this bylaw shall be punished by a fine of $300.00 for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, Section 32L. If a violator fails to pay the fine issued, they may be subject to civil contempt proceedings.

Enforcement Violations of any provision of this bylaw may be processed pursuant to Chapter 40, section 21 D of the General Laws of the Commonwealth and shall be in amount set forth above. Enforcement of this bylaw under the Non-Criminal Disposition process shall be carried out by the Police Chief, and duly sworn Police Officers who shall have full enforcement powers.

SECTION 38. Placing Snow, Ice and Water on Public Property

No person, other than an employee or other person in the service of the Commonwealth of Massachusetts or the Town of Norfolk shall direct, discharge, dump, shovel, pile, push, blow, plow or deposit snow, ice, or water under conditions where water would be subject to freezing onto, into or across any public way, including sidewalks or public property, or cause, direct, sanction or authorize any such activity involving snow, ice, or water on a public way or public property> Violations of this section shall be subject to a fine of one hundred dollars ($100) for each violation.(5/8/2011)

SECTION 39. Hunting (11/29/2012)
No person shall hunt on Town owned lands without the permission of the Select Board. It is the responsibility of all duly licensed hunters to ascertain the location of properties where hunting is prohibited and to not exceed said boundaries.

Violations of this bylaw shall be punishable by a fine of $100 for the first violation and $300 for each subsequent violation. As an alternative to criminal prosecution or civil action, the Town may elect to enforce this bylaw by non-criminal disposition procedure pursuant to G.L. c 40, §21D and Article XIV of these bylaws, in which case the Chief of Police or any Norfolk Police Officer shall be the enforcing officer. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
This bylaw is not intended to apply to nuisance trapping and/or control nor to a Massachusetts Hunting Preserve licensed under the provisions of Massachusetts General Laws Chapter 131, Section 31.

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 their jurisdiction and make an investigation as to the existence of conditions likely to cause fire. They 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, they 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 Select Board, Board of Health, or Building Commissioner. If the owner or their 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 Select Board 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 them 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 Select Board 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 prolonged 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 their dog before May 1, the owner shall pay a late fee of $15.00 for the month of May and increase the late fee by $5 per month through the end of the calendar year for a maximum fine of $50. The late fee shall be in addition to the licensing fee. The late fee shall be imposed per residence, not per dog. (11/30/2011)

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 issued under this section for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder. No fee shall be charged for a license for a dog owned by a person aged 70 years or over. (Massachusetts General Law Chapter 140, Section 139 (c)) (11/18/2014)

D. Control of Dogs

1. No owner or keeper of any dog shall at any time permit their 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 a 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 reimbursement to the Animal Control Officer the expenses for maintaining said dog while impounded in addition to the fines established in Section H. of the bylaw. Prior to its release, any dog that is at least six (6) months of age mush have proof of current rabies inoculation shall have a proper license form 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 their 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 they 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 Select Board a report of the action and the reasons therefore. Upon receipt of such report, the Select Board may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. If the Select Board 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 March 1st $ 50 (5/13/08)

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 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 Select Board 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.

Article XV: DEMOLITION OF HISTORICALLY SIGNIFICANT PROPERTIES

SECTION 1. Intent and Purpose:

This Town Bylaw is enacted for the purpose of protecting the historic and aesthetic qualities of the Town by encouraging the preservation of historically or architecturally significant buildings and structures within the Town, and to encourage owners of such properties to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings or structures rather than demolish them, and to allow an appropriate historical record of such buildings and structures to be created.

SECTION 2. Definitions:

Building- A fixed combination of any materials, having a roof, common walls and passageway areas, and forming a structure for the shelter of persons, animals or property.

Commission- The Norfolk Historical Commission

Demolition- Any act of pulling down, destroying, removing or razing a building or structure, or commencing the work of total or substantial destruction with the intent of completing the same.

Significant Building or Structure- - (a) Any building or structure listed on the National Register or eligible for National Register listing. (b) Any building or structure researched and found by the Commission to be historically significant, or architecturally significant in terms of construction, or by association with an important architect, builder, person or event.

Structure – Any combination of materials assembled, constructed, erected or maintained at a fixed location and placed permanently in or on the ground.

SECTION 3. Procedure:

a. Within seven (7) days of receipt of an application for a demolition permit for a building or structure which is Seventy-five (75) years or older, the Building Commissioner shall forward a copy of this application to the Commission. No demolition permit should be issued at that time, and no demolition may occur. The application shall include all current Field Cards from the Board of Assessors for the subject property, as well as a description of the demolition intended, including a list of all structures or portions thereof to be demolished.
b. Within forty-five (45) days from the Commission's receipt of a complete demolition permit application, the Commission shall determine whether the structure is historically or architecturally significant. If the Commission determines the building or structure is not considered significant, the Commission shall so notify the Building Commissioner in writing and the Building Commissioner may issue a demolition permit. If the building or structure is determined to be significant, the Commission shall so notify the owner and the Building Commissioner in writing, and the Building Commissioner shall not issue a demolition permit for a period of six (6) months from the date of the application, unless the Commission informs the Building Commissioner prior to the expiration of said six (6) months that the applicant for the demolition has made a reasonable but unsuccessful effort to locate a purchaser for the building or structure, or one who is willing to preserve, rehabilitate or restore the building or structure, or has agreed to accept a demolition permit on specified conditions approved by the Commission. If the Commission does not determine that the building or structure is considered significant within forty-five (45) days of the Historical Commission's receipt of a complete demolition permit application, the Building Commissioner may issue a demolition permit. (amended 5/1/2012)
c. Determination of Applicability
An owner of a building or structure may petition the Historical Commission for a determination of applicability of the bylaw. Within sixty (60) days after the receipt of such application, the Commission shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the Commission if they make a timely request in writing to the Commission. The determination by the Commission of whether a regulated building or structure is historically significant shall be made in writing signed by the Commission and shall be binding on the Commission for a period of 3 years from the date thereof.

SECTION 4. Emergency Demolition:

Nothing in this bylaw shall restrict the Building Commissioner from immediately ordering the demolition of any building or structure in the event of an imminent danger to the safety of the public.

SECTION 5. Enforcement and Remedies:

a. The Building Commissioner and/or the Commission, as well as the Town, are authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof.

b. No building permit shall be issued with respect to any premises upon which a building seventy-five (75) years or older has been voluntarily demolished with disregard for the provisions of the bylaw, for a period of three (3) years after the date of the cessation of such demolition. As used herein, "premises" refers to the land contained within the parcel upon which the demolished building or structure was located and the land contained within all adjoining parcels under common ownership or control, whether subdivided or re-divided.

c. No permit for the erection of a new structure on the site of an existing building determined to be a preferably-preserved significant building or structure may be issued prior to issuance of a permit for demolition of such existing buildings.

SECTION 6. Appeal:

Appeals from decisions or determinations of the Historical Commission or Building Commissioner following a formal Public Hearing may be made by the applicant(s) or the abutter(s) to the courts under the certiorari statute, G.L. c. 249, Section 4.

SECTION 7. Severability:

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

Article XVI: FEE SCHEDULE RELATING TO THE TOWN CLERK (11/29/2012)

FEE SCHEDULE

Bylaws / Regulations: (also available on website)	
Subdivision Rules & Regulations (Planning Board)	$45.00
Zoning bylaws	$15.00
Zoning Map	$10.00
Wetlands	$5.00
Certified Copy of any record	$10.00
Genealogy Research fee – per state mandated guideline (Currently hourly rate of lowest paid office employee per office and .05 per copy)	
DBA Certificate filing	$50.00
DBA change	$25.00
DBA – List of current DBA's	$20.00
Dog License List of current licenses	$35.00
Dog License, Male/Female – before May 1st	$15.00
Dog License, Spayed/Neutered – before May 1st	$10.00
Dog Kennel License – Personal Kennel	$100.00
Dog Kennel License – Commercial Kennel	$250.00

(*note: Commercial Kennel Licenses require Zoning Board approval prior to licensing)
**** Dog licenses for residents 70 and over are free. Proof of age is required ***

Dog late fee for license renewal after May 1st as follows:
A late fee of $15.00 for the month of May and an increase of the late fee by $5 per month through the end of the calendar year for a maximum fine of $50 charged by owner.

General copies – per state mandated guidelines (currently .05 ea.)

Marriage Intentions filing fee	$40.00
Re-issue certificate due to solemnizer error	$25.00
Pole Locations (per pole)	$50.00
Residents List (over age 17) on disk	$25.00
Street Listing Book (must sign log)	$10.00
Voter Activity Report, per election (on disk)	$15.00
Voter List (on disk)	$25.00

Any mailed or on-line transactions may also be charged a postage and handling fee.

ARTICLE XVII PROHIBITION ON MARIJUANA ESTABLISHMENTS (added 12/05/2017)

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption of marijuana at a marijuana retailer location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Norfolk. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time).

ARTICLE XVIII SERVABILITY (added 11/19/2019)

In addition to and notwithstanding any other language in the General Bylaws regarding servability should any provision or section of the General Bylaws be held invalid, such holding shall not be construed as affecting the validity of any remining provisions or sections, it being the intent that the General Bylaws shall stand notwithstanding the invalidity of any section or provision thereof. Such invalidity shall be construed as narrowly as possible. (November 19, 2019)

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 $30; 3rd and each subsequent offense $50

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

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

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.

SMOKING IN PUBLIC PLACES Fine Allowed: $25 Enforcement Agent: Police Officer Fine Schedule: 1st and each successive offense $25

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

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

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

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

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

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

DEMOLITION OF HISTORICALLY SIGNIFICANT PROPERTIES

Section 1
Add the following definition.

"Structure-Any combination of materials assembled, constructed, erected or maintained at a fixed location and placed permanently or temporarily in or on the ground."

Explanation
The Advisory Board recommended the inclusion of a definition of the word "structure". Only "structures" 75 years or older would fall within the purview of this bylaw.

Section 3 a and 5 b
Change the reference of "fifty (50) years" to "seventy-five (75) years".

Section 3 b
Change both references of "twelve (12) months" to "six (6) months".

Section 3 c
Add the following section to the bylaw

Determination of Applicability
An owner of a building or structure may petition the Historical Commission for a determination of applicability of the bylaw. Within sixty (60) days after the receipt of such application, the Commission shall determine whether the building or structure is historically significant. The applicant for the permit shall be entitled to make a presentation to the Commission if they make a timely request in writing to the Commission. The determination by the Commission of whether a regulated building or structure is historically significant shall be made in writing signed by the Commission and shall be binding on the Commission for a period of 3 years from the date thereof.

Explanation
The Advisory Board recommended the inclusion of a way for an owner to obtain a determination from the Historical Commission of whether or not their building or structure would be considered historically significant relative to the bylaw - at any time - not just at the time of an application for a demolition permit.
Add this section to the bylaw as Section 3c

HUNTING – ARTICLE X, SECTION 39 $100 for the first violation and $300 for each subsequent violation