

GENERAL BYLAWS  
OF THE  
TOWN OF MILTON

As Amended Through The  
2007  
ANNUAL TOWN MEETING

## CHARTER

### CHARTER BY SPECIAL ACT FOR THE TOWN OF MILTON

Chapter 27, Acts of 1927

“Representative Town Government by Limited Town Meetings”

(Revised by Chap. 306 Acts of 1936, Chap. 63 Acts of 1948, Chap. 67 Acts of 1957, Chap. 597 Acts of 1958 and Chap. 319 Acts of 1971)

Be it enacted, etc, as follows:

SECTION I. The registered voters of each precinct in the town of Milton, at the annual town election to be held in the year nineteen hundred and twenty-seven and the registered voters of any precinct affected by any revision of precincts, at the first annual town election following such revisions, shall elect by ballot and conformably to the laws relative to elections not inconsistent with this act from residents of the precinct town meeting members, to the largest number which is divisible by three and which will make the elected representation of such precinct bear approximately the same proportion to the total elected representation of the town as the number of registered voters in such precinct bears to the total number of registered voters in the town, and which will cause the total elected membership to be as nearly two hundred and seventy-nine as may be, and not in excess thereof. The first third in the order of votes received of members so elected shall serve until the third succeeding annual election, the second third in such order shall serve until the second succeeding annual election, and the remaining third in such order shall serve until the first succeeding annual election. After the annual town election in the year nineteen hundred and twenty-seven, except as herein provided, at each annual town election the registered voters of each precinct shall, in like manner, elect as town meeting members for the term of three years, such number of elected town meeting members as are necessary to provide for such precinct the total number of elected town meeting members to which it is then entitled, and shall, at such election, fill for the unexpired term or terms any vacancies then existing in the number of town meeting members in such precinct. In case of any revision of a precinct or precincts, the TERMS of office of all elected town meeting members from each precinct affected by such revision, shall cease upon the qualifications of their successors elected as hereinbefore provided. The number of precincts in said town shall be not less than four.

In the case of a tie vote which affects the election of town meeting members in any precinct otherwise than as to term of office, the members elected from such precinct at the same election other than those whose election is so affected, shall, by a majority vote, determine which of the voters receiving such tie vote shall serve as town meeting members from such precinct, and in case of a tie vote affecting the term of office of members elected, the members elected from such precinct at the same election other than those whose terms of office are affected by such tie vote shall, by a majority vote, determine which member receiving such tie vote shall serve for the longer and which for the shorter term.

The town clerk shall, after every election of town meeting members, forthwith notify each member, by mail, of his election.

The number of elected town meeting members to which each precinct is entitled for the ensuing municipal year shall be determined by the town clerk on or before January fifteenth of each year and shall bear approximately the same proportion to the total number of elected town meeting members of the town as the number of registered voters in such precinct bears to the total number of registered voters in the town on January first of that year.

SECTION 2. The representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the elected town meeting members together with the following, designated as town meeting members ex officios namely: any member of the general court of the commonwealth who is a registered voter of the town, the town moderator, the town clerk, the selectmen, the town treasurer, the town counsel if a registered voter of the town, the town collector of taxes, the chairman of the school committee, the chairman of the trustees of the public library, the chairman of the board of health, the chairman of the park commissioners, the tree warden, the chairman of the planning board, the chairman of the assessors of taxes, the chairman of the board of trustees of the cemetery, the chairman of the warrant committee, and the chairman of the board of Personnel Administration.

The secretary or clerk of each of the above-named boards and commissions shall file with the town clerk a certificate of election of a chairman.

Any elected town meeting member who becomes by appointment or election one of the officers designated as town meeting members, ex officios, shall notwithstanding such appointment or election continue to serve as an elected town meeting member rather than as ex officio member. The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held, such notices to be sent by mail at least three days before any such meeting, but failure to comply with this provision shall not affect the validity of any act of the meeting, and this provision shall be in addition to the warrant for such meeting duly published and served according to law. The representative town meeting shall have authority to determine the election and qualifications as set forth in this act, of its members. A majority of the town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time. All town meetings shall be held in public. Town meeting members shall receive no compensation as such. Subject to such conditions as may be determined from time to time by the representative town meeting, any voter of the town who is not a town meeting member may speak at any representative town meeting, but he shall not vote. An elected town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect on the date of such filing. An elected town meeting member who removes from the precinct from which he was elected shall cease to be a town meeting member.

SECTION 3. Nominations of candidates for town meeting members to be elected under this act shall be made by nomination papers which shall bear no political designation, but to the name of a candidate for re-election there may be added the words "Candidate for Re-election." Nomination papers shall be signed by not less than ten registered voters of the precinct in which the candidate is nominated for office. Any incumbent town meeting member may become a candidate for re-election by given written notice thereof to the town clerk not later than fourteen days prior to the last day and hour for filing nomination papers notwithstanding any contrary provision in any special law. No nomination papers shall be valid in respect to any candidate unless his written acceptance is filed therewith.

SECTION 4. All articles in the warrant for every town meeting, so far as they relate to the election of the town moderator, town officers and town meeting members, and as herein provided, to referenda and all matters to be acted upon and determined by ballot, shall be so acted upon and determined by registered voters of the town in their respected precincts. All other articles in the warrant for any town meeting, beginning with the annual town meeting in the year when said town meeting members are first elected, shall be acted upon and determined exclusively by town meeting members at a representative town meeting to be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, and subject to the referendum provided for by section seven.

SECTION 5. A moderator shall be elected by the registered voters of the town by ballot at each annual town election, and shall serve as the moderator of all town meetings except as otherwise provided by law until his successor is elected and qualified. Nominations for moderator and his election shall be as in the case of other elective town officers, and any vacancy in such office may be filled by the town meeting members at a representative town meeting held for that purpose. If a moderator is absent, a moderator pro tempore may be elected by the town meeting members.

SECTION 6. In the event of any vacancy in the full number of elected town meeting members from any precinct, the remaining elected members of the precinct may choose from among the registered voters thereof a successor to serve until the next annual town election. The town clerk may, and upon a petition therefore signed by not less than ten elected town meeting members from the precinct shall, call a special meeting for the purpose of filling such vacancy and shall mail notices thereof to the remaining elected members from the precinct specifying the object and the time and place of such meeting which shall be held not less than four days after the mailing of such notice. At such meeting a majority of such members shall constitute a quorum and shall elect from their own number a chairman and a clerk. The election to fill such vacancy shall be by ballot and a majority of the votes cast shall be required for a choice. The clerk shall forthwith file with the town clerk a certificate of such election, together with a written acceptance by the members so elected, who shall thereupon be deemed elected and qualified as an elected town meeting member, subject to the provisions of section two respecting the election and qualifications of elected town meeting members.

SECTION 7. No article in the warrant shall at any representative town meeting be finally disposed of by a vote to lay upon the table, to indefinitely postpone, or to take no action thereunder. No vote passed at any representative town meeting under any article in the warrant, except a vote to adjourn or a vote for the temporary borrowing of money in anticipation of revenue or a vote declared by a two thirds vote of the town meeting members present and voting thereon to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town, shall take effect until after the expiration of seven days, exclusive of Sundays and holidays, from date of such vote. If, within said seven days a petition, signed by not less than five percent of the registered voters of the town, containing their names, together with their street addresses, is filed with the selectmen asking that the question or questions involved in such vote be submitted to the voters of the town at large, then the selectmen within fourteen days of the filing of such petition shall call a special town meeting which shall be held within twenty-one days after notice of the call, for the sole purpose of presenting to the voters at large the question or questions so involved. All votes upon any questions submitted shall be taken by ballot, and the check lists shall be used in the several precincts in the same manner in which they are used in the election of town officers. The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening and no ballots shall be removed or counted before the closing of the polls. The question or questions submitted to be voted upon at said town meeting shall be stated upon the ballot in substantially the same language and form in which they were stated when finally presented to said representative town meeting by the moderator as appears upon the records of said meeting, and such question or questions shall be determined by vote of the same proportion of the voters at large voting thereon as would have been required by law had the question been finally determined at a representative town meeting. If such petition be not filed within said period of seven days, the vote in the representative town meeting shall take effect upon the expiration of said period.

SECTION 8. The Town of Milton, after the acceptance of this act, shall have the capacity to act through and be bound by its said town meeting members who shall, when convened from time to time as herein provided, constitute representative town meetings, and the representative town meetings shall exercise exclusively so far as will conform to the provisions of this act, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meetings shall, when taken by any representative town meeting in accordance with the provisions of this act have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as heretofore organized and conducted.

SECTION 9. No right secured to the inhabitants of the Town of Milton by the constitution of this commonwealth shall be abridged by this act; nor shall this act confer upon any representative town meeting the power to commit said town to any proposition affecting its municipal existence, or the form of its government without action thereon by the voters of said town at large using the ballot and check lists therefor.

SECTION 10. This act shall be submitted to the registered voters of the Town of Milton at any annual or special town meeting called for the purpose within two years from the passage of this act. The vote shall be taken in precincts by ballot in accordance with the provisions of the general laws, so far as the same shall be applicable, in answer to the question, which shall be placed, in the case of a special meeting, upon a ballot to be used at said meeting, or, in case of an annual meeting upon the official ballot to be used for the election of town officers: "Shall an act passed by the general court in the year nineteen hundred and twenty-seven, entitled 'An Act to erect and constitute in the Town of Milton representative town government by limited town meetings', be accepted by this town?"

SECTION 11. So much of this act as authorizes its submissions for acceptance to the registered voters of the town shall take effect upon its passage and the remainder shall take effect upon its acceptance by a majority of the voters voting thereon.

## CHARTER

### AMENDMENTS TO CHARTER:

Section 1 was amended by Chapter 306 of the Acts of 1936, to fix the number of Town Meeting Members at 279.

The provisions of Section 3 relative to re-election of Town Meeting Members were modified by Chapter 63 of the Acts of 1948. (G.L. Chap. 53 Sec. 10)

The Chairman of the Board of Personnel Administration was added to the first paragraph of Section 2 by Chapter 67 of the Acts of 1957.

The third paragraph of Section 2 was amended relative to elected Town Meeting Members by Chapter 597 of the Acts of 1958.

The position of Chairman of the Sewer Commissioners formerly referred to in Section 2 was abolished by vote on Article 10 of the Warrant at the 1967 Town Meeting.

The position of the Chairman of the Board of Public Welfare formerly referred to in Section 2 was abolished.

The position of Tree Warden formerly referred to in Section 2 was abolished by vote of the town at the 1970 March Election, and gave the Selectmen the right to appoint a Tree Warden.

The position of Chairman of the Water Commissioners formerly referred to in Section 2 was abolished by Chapter 319 of the Acts of 1971.

GENERAL BYLAWS  
Town of Milton, March 10, 1934  
AS AMENDED

CHAPTER 1

GENERAL PROVISIONS

Section 1. The bylaws of the Town adopted March 2, 1902 may be designated as heretofore, as the "Revised Bylaws," but said revised bylaws as heretofore or at this meeting may be designated as the General Bylaws.

Section 2. So far as the provisions of these bylaws are the same in effect as those of previously existing bylaws, they shall be construed as a continuation of such bylaws but, subject to said limitations and the provisions of the next section, all bylaws of the Town heretofore in force are hereby repealed; provided that this repeal shall not apply to or affect any bylaw, order, or article heretofore adopted, accepting or adopting the provisions of any statute of the Commonwealth.

Section 3. These bylaws and the repeal of all bylaws heretofore in force shall not affect any act done, any right accrued, any penalty or liability incurred, or any suit, prosecution, or proceeding, pending at the time when they take effect; nor shall the repeal of any bylaw thereby have the effect of reviving any bylaw theretofore repealed or suspended.

Section 4. When in a bylaw anything is prohibited from being done without the license or permission of a certain officer, officers or board, such officer, officers, or board shall have the power to license or permit such thing to be done.

Section 5. In all these bylaws the following words and expressions shall, unless inconsistent with the manifest intent, be severally construed as follows: -

The word public way shall include any highway, town way, road, bridge, street, avenue, boulevard, roadway, parkway, lane, sidewalk or square; the owner or occupant of a building or land shall include any sole owner or occupant, and any joint tenant and tenant in common of the whole or of any part of a building or lot of land; words propoting to give a joint authority to three or more officers or other persons shall give such authority to a majority of such officers or persons; the word person may include corporation; words importing the singular number may apply to the plural number, and words importing the masculine gender may apply to the feminine gender.

Section 6a. Whoever violates any of the provisions of these bylaws whereby any act or thing is enjoined or prohibited, shall, unless other provision is expressly made, forfeit and pay a fine not exceeding three hundred dollars for each offense.

Section 6b. 1. Whoever violates any provision of these bylaws regarding the Board of Health may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D. The non-criminal disposition may also be used for violations of any rule or regulation of the Board of Health, which is subject to a specific penalty. Without intending to limit the foregoing, it is the intention of this section that any Board of Health regulation be included within the scope of this subsection, that the specific penalties listed here shall apply in such cases, and that in addition to the Board of Health members, who shall in all cases be considered enforcing persons for the purpose of this section, the Health Agent and his or her designee and any such other official the Board of Health may designate from time to time, shall also be enforcing persons.

2. Each violation of such a bylaw, rule or regulation shall be punished by a fine of:

First Offense	\$ Twenty-Five Dollars (\$25.00)
Second Offense	\$ Fifty Dollars (\$50.00)
Third and Subsequent Offense	\$ One Hundred Dollars (\$100.00)

3. Each day on which any violation exist shall be deemed to be a separate offense

Section 7. Whoever shall refuse or neglect to obey any lawful order of any Town officer, issued under any of these bylaws, directed to him and properly served upon him, shall, in cases not otherwise provided for, forfeit and pay for every such offense a fine not exceeding twenty dollars.

Section 8. Prosecutions for the breach of any of the provisions of these bylaws shall be commenced within six months from such breach.

Section 9. Any or all of these bylaws may be repealed or amended or other bylaws may be adopted, at any Town meeting, annual or special, an article containing the subject matter of the proposed change having been inserted in the warrant for such meeting.

## CHAPTER 2

### TOWN MEETINGS

Section 1. The warrants for all Town meetings shall be directed to the constables of the Town, and notice of such meetings shall be given by posting attested copies of the warrant in each of the post-offices of the Town at least seven days, and by leaving printed copies thereof at the dwelling-houses in the Town at least four days before the day of such meetings.

Section 2. The annual meeting for the election of Town officers shall be held upon the last Tuesday of April, the polls to be open from seven o' clock in the morning until eight o' clock in the evening for the election of such Town officers and the determination of such matters as by law are required to be elected or determined by ballot. All such officers shall be voted for and all such matters shall be determined on official ballots.

Section 3. All business except the election of such officers and the determination of such matters as by law are required to be elected or determined by ballot shall be considered at an adjournment of the annual meeting to the first Monday of May at 7:30 o'clock in the evening.

Section 4. All motions shall, if required by the Moderator, be reduced to writing before being submitted to the meeting. If a motion is susceptible of division it shall be divided and the question put separately upon each part thereof if ten town meeting members so request.

Section 5. Upon taking the question, the sense of the meeting shall be taken by the voices of the town meeting members and the Moderator shall first announce the vote as it appears to him by the sound.

If the Moderator is unable to decide by the sound of the voices or if his announcement made thereupon is doubted by seven town meeting members arising in their places for that purpose, the Moderator shall request the town meeting members to be seated, and shall appoint tellers; the question then shall be distinctly stated, and those in the affirmative and negative respectively shall be requested to rise and stand in their places until they are counted by the tellers, who shall report their count to the Moderator, who thereupon shall announce the vote. If the vote is further doubted and twenty-five town meeting members arise in their places and ask for a division of the meeting by the taking of the yeas and the nays, then the roll of the meeting shall be called in alphabetical order by the Town Clerk, and each town meeting member shall rise in his place if he answers yea or nay when his name is called, and the Moderator shall announce the vote. No town meeting member shall be allowed to vote after the vote is declared.

Section 6. No vote shall be reconsidered at the same meeting, except upon a motion made within one hour of the adoption of such vote, unless ordered by two-thirds of the town

meeting members present and voting thereon, provided that the time which shall elapse between any adjournment and the next calling to order of the meeting following such adjournment shall be excluded in computing the hour since the adoption of said vote.

Section 7. If a motion for the previous question is adopted by vote of the meeting no person shall speak to the motion then under consideration more than once or for longer than five minutes without a vote of permission of the meeting, except that the Chairman of the Warrant Committee may speak again to close the debate but not for more than five minutes.

Section 8. When a question is before the meeting, the following motions, viz: -  
to adjourn  
to lay on the table,  
for the previous question,  
to postpone to a certain time,  
to commit (or recommit) or refer,  
to amend or substitute,

shall have precedence in the order in which they are placed in this section; but no article in the warrant shall be finally disposed of by a vote to lay on the table, to postpone indefinitely, or to take no action thereunder. In proposed amendments, involving amounts or dates, the smallest amount and the shortest time shall be put first.

Section 9. Any person who is employed as an attorney by another person interested in any matter under discussion at a Town meeting shall disclose the fact of his employment before speaking thereon.

Section 10. No appropriation of a sum of money exceeding five hundred dollars shall be made until the subject matter thereof has been considered and estimates reported to the Town, either by the Selectmen or other town officers, or by the Warrant Committee or some committee chosen for the purpose in pursuance of a vote of the Town.

Section 11. Whenever, pursuant to General Laws, Chapter 39, Section 10, any subject is inserted in the Warrant for an Annual Town Meeting at the request of ten or more registered voters, the fact of said request and the names and addresses of the first ten registered voters making the request shall be printed in the Warrant immediately following the Article involved.

Section 12. Whenever an Article is inserted in the Warrant for an Annual or Special Town Meeting at the request of a town department, board, committee or authority, the name of such requesting organization shall be printed in the Warrant immediately following the Article involved.

Section 13. Except as hereinafter provided, the term of any non-elected committee of the Town established by vote of an Annual or Special Town Meeting, other than a committee established by or pursuant to a statute or bylaw, shall expire upon the final adjournment of the third Annual Town Meeting following the meeting at which it was voted to establish or to extend the term of such committee, unless a different term is specified by Town Meeting or unless such committee is earlier discharged; notwithstanding the foregoing, the term of any committee heretofore or hereafter authorized by vote of an Annual or Special Town Meeting, to expend more than \$2,000 in any one fiscal year for the construction, renovation or repair of any facility, or for the acquisition of any goods or equipment, or for consultant work or personal services, shall be extended upon such appropriating vote until such committee is specifically discharged by a vote of an Annual or Special Town Meeting.

## CHAPTER 3

### THE WARRANT COMMITTEE

Section 1. The Town shall have an advisory committee to be known as the Warrant Committee consisting of fifteen legal voters of the Town. On or before the fifth day of July in each year the Moderator shall appoint fifteen members to the Warrant Committee each of whom shall serve for a term of one year beginning on the fifth day of July in the year of the appointment.

Section 2. The Warrant Committee shall, prior to the fifteenth day of July in each year, meet, at the call of the member thereof first named, for organization by the choice of a chairman and secretary. And they shall meet thereafter from time to time as they may deem advisable.

a. They shall have the power to fill vacancies in their number by vote, attested copy of which shall be sent by the secretary to the Town Clerk.

Section 3. It shall be the duty of the Warrant Committee to inform themselves concerning those affairs and interest of the Town, the subject-matter of which is generally included in the warrants for its Town meeting; and the officers of the Town shall, upon their request, furnish them with facts, figures, and any other information pertaining to their several departments; provided, however, that any such information may be withheld when, in the opinion of the officer or board of officers so requested, the communication thereof might injuriously affect the interests of the Town or its citizens.

Section 4. The Warrant Committee shall consider the various articles in the warrants for all the Town Meetings held during the period for which they were appointed including the various articles in the warrant for the annual Town Meeting next after their appointment; they shall also consider all questions submitted to the voters of the Town at any meeting, excluding State elections; and they shall report in print before all such meetings their estimates and recommendations for the action of the Town. Copies of such reports shall be left at the dwelling houses in the Town at least four days before the day set for consideration of the various articles in the warrant considered by them and at least four days before the day upon which the voters are to consider questions submitted to them at any meeting.

a. On or before December first of each year each board, committee or officer of the Town shall file with the Selectmen, who shall transmit the same to the Warrant Committee, a preliminary budget, with a statement in detail of the appropriation or appropriations recommended by such board, committee or officer for the work under its or his charge for the ensuing year, with a final copy of said budget due to the Warrant Committee by January thirty-first.

b. The Warrant Committee shall include in its report of recommendations for the annual Town Meeting a statement setting forth the total appropriations so requested, the appropriations recommended, and the totals of such appropriations requested and recommended, and an estimate of the tax rate for the ensuing year if such recommendations are adopted. The copies of such reports may be combined with the warrants of the Selectmen for publication and delivery as provided in Section 1 of Chapter 2.

## CHAPTER 4

### FINANCES AND PROPERTY

Section 1. The Selectmen shall annually, not less than seven days before the annual town meeting, cause to be printed such number of copies of the annual town report as they shall determine to be sufficient for the use of the inhabitants. Such report shall contain a detailed report of all moneys received into and paid out of the Town treasury during the financial year next preceding, with such information and recommendations as the Selectmen may deem proper; the report of the school committee; the records of the meetings of the Town held since the last annual report; the report of the collector of taxes, of receipts, payments and abatements; statements concerning the conditions and funds of the public library and the cemetery to be furnished by the trustees thereof respectively, and statements of all other funds belonging to the Town or held for the benefit of its inhabitants; a statement of the liability of the Town on bonds, notes, certificates of indebtedness, or otherwise, and the total money paid the Town for perpetual

care of cemetery lots; and such other matters as the said report is required by law to contain, or as may be inserted by the Selectmen under the discretion granted them by law.

Section 2. No officer of the Town shall in his official capacity make or pass upon or participate in making or passing upon, any sale, contract or agreement or the terms or amount of any payment in which the Town is interested and in which such officer has any personal interest.

Section 3. The Warrant Committee shall send to the Selectmen and to the town accountant certified copies of all votes whereby transfers are made out of the Reserve Fund for extraordinary or unforeseen expenditures.

Section 4. The Selectmen shall have full authority as agents of the Town to institute and prosecute suits in the name of the Town or its officers in their official capacity and to appear and defend suits brought against it or its officers in their official capacity unless otherwise ordered by a vote of the Town.

Section 5. Whenever it shall be necessary to execute any deed conveying land or other instrument required to carry into effect any vote of the Town, the same shall be executed by the Selectmen, or a majority thereof, in behalf of the Town, unless otherwise ordered by a vote of the Town.

Section 6. The Selectmen shall appoint a Town Accountant who shall perform the duties prescribed by law. There shall annually be an audit of the accounts of the Town under the supervision of the State Director of Accounts, as provided in General Laws, Chapter 44, Section 35.

Section 7. Whenever damages may be recovered against the Town under General Laws Chapter 79, entitled "Eminent Domain," the Selectmen, unless otherwise provided by vote of the Town, may exercise in the name and behalf of the Town all the powers granted in Section 39 of said chapter relative to settlement of damages, assumption of betterments, offers of settlement, and any other matters in said section contained.

Section 8. The collector of taxes shall collect, under the title of Town Collector, all accounts due the Town, excepting interest on investments of sinking or trust funds. If it shall seem advisable to the town collector that suit or suits should be instituted and prosecuted in the name of the Town in connection with the collection of any accounts due to the Town, he shall so advise the Selectmen who shall have authority as agents of the Town to institute and prosecute the same.

Section 9. In addition to the authority to them granted by Section 8, the Selectmen shall have authority as agents of the Town to settle claims against the Town, after receiving the advice of the town counsel, payment for such settlement to be taken from the appropriation for the law department.

Section 10. Any Board or Officer in charge of a department may, with the approval of

the Selectmen, sell any personal property or material not required by said department to an aggregate amount not exceeding \$20,000 in value in any one fiscal year.

Section 11. Except as otherwise provided by law the Selectmen shall have custody of deeds, of bonds of Town officers, of insurance policies and of other similar documents owned by the Town.

## Section 12. Competitive Bidding

a.) Contracts for the procurement of supplies, services or real property by the Town of Milton and contracts for disposing of supplies or real property by the Town of Milton, shall be governed by the provisions of Chapter 30B of the Massachusetts General Laws, as amended, or other applicable provisions of Massachusetts law, as amended.

b.) Contracts for construction, reconstruction, alteration, remodeling or repair of a public work or for the purchase of any material including any article, assembly system or component part thereof, shall be governed by the provisions of applicable Massachusetts law, including without limitation Chapter 30B and Chapter 30, Section 39M, as amended.

c.) Contracts for the construction, reconstruction, installation, demolition, maintenance or repair of a public building shall be governed by the provisions of applicable Massachusetts law, including without limitation Chapter 30B, Chapter 30, Section 39M, and Chapter 149, Section 44A through L, as amended.

d.) In all cases where a Town of Milton department seeks quotations for a supply or service, that department shall maintain a written record of the names and addresses of all persons from whom quotations were sought, the name and addresses of each person or entity who submits a quotation, the date and amount of each quotation, and a copy of the quotation.

Section 13. Every contract for construction work, whether for alterations, repairs or original construction, the estimated cost of which amounts to \$25,000 or more, shall be accompanied by a suitable bond for the performance of same, or by the deposit of money or security to the amount of the estimated cost.

Section 14. The Town Treasurer shall be the custodian of all moneys, properties and securities of all trust funds, including Cemetery trust funds, heretofore or hereafter given, devised or bequeathed to the Town, and shall with the approval of the Board of Selectmen invest and reinvest the same and expend therefrom moneys as directed by the Board of Selectmen. The Town Treasurer shall have power with the approval of the Board of Selectmen in the name and behalf of the Town to sell, transfer and deliver any and all securities and properties so held for such prices or considerations and on such terms and conditions as he and they shall determine. The foregoing provisions shall be subject to and not in derogation of any and all directions or provisions made by donors in wills or other instruments of gift in respect to any such fund or

funds.

Section 15. All Town Officers are required to pay all fees received by them by virtue of their office into the Town Treasury. Each Town Department shall on or before July 1<sup>st</sup> of each year file with the Town Clerk a schedule of the fees charged by that Department.

Section 16. The Selectmen are authorized to appoint a Town Administrator as provide in the General Laws Chapter 41, Section 23A for a term of one or three years.

Section 17.

1. The Board of Selectmen shall establish and appoint a committee of seven (7) persons to be known as the Capital Improvement Planning Committee. Said committee shall be composed of one member of the Board of Selectmen, one member of the Warrant Committee, one member of the Planning Board, one member of the School Committee, the Town Accountant, and two (2) members of the community at large. Members shall serve for a one year term beginning on the fifteenth day of August in the year of appointment. The Committee shall choose its own officers.
2. The Committee shall study proposed capital projects and improvements involving major tangible assets and projects which have a useful life of at least five years and cost over \$10,000. All officers, boards and committees, including the Selectmen and the School Committee, shall, by October 1 of each year, give to the Committee, on forms prepared by it, information concerning all anticipated projects requiring Town Meeting action during the ensuing five (5) years. The Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the town. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is first submitted to the committee as herein provided.
3. The Committee shall prepare an annual report recommending a capital improvement budget for the next fiscal year, and a Capital Improvement Program including recommended capital improvements for the following five (5) fiscal years. The report shall be submitted to the Board of Selectmen for its consideration and approval. The Board shall submit its approved Capital Budget to the Warrant Committee, which shall make its recommendation to Town Meeting for adoption by the Town.
4. Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for survey, architectural or engineering advice, options or appraisals, but no such expenditure shall be incurred on projects which have not been so approved by the town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five (5) years in the future.
5. The Committee's report and the Selectmen's recommended Capital Budget shall be

published in the Town Report.

## CHAPTER 5

### THE CEMETERY

Section 1. The sole care, superintendence, management and control of the Cemetery shall be intrusted to a Board of five Trustees to serve for the period of five years; one of said Board shall retire and a new member be elected at each annual meeting of the Town.

Section 2. Citizens of Milton who are heads of families and have been residents of the Town not less than five years shall be entitled to lots in the Cemetery, allowing one lot to a family subject to these bylaws and the regulations of the Trustees, upon payment of the charges for putting the lot in order; but by unanimous consent of the Trustees the five years' residence requirement may be waived.

Section 3. The Trustees may sell lots, when and at such rates as they may deem advisable; provided that the rate shall not be less than two dollars a square foot, and the purchasers shall in some way be connected with Milton people.

Section 4. The proprietor of each lot shall cause to be erected, at his own expense, cornerstones, and a step with his name and the number of the lot inscribed on the same, and shall cause his lot to be kept in proper order; and if the proprietor shall omit for thirty days after notice to erect such landmarks and to keep the lot in order, the Trustees shall have authority to have the same done at the expense of said proprietor.

Section 5. No lot shall be used for any other purpose than as a place of burial for the dead, and no proprietor shall suffer the remains of any person to be deposited within the bounds of his lot for hire; nor shall any proprietor sell or transfer the whole or any part of his lot without the consent of the Trustees.

Section 6. If in the judgment of the Trustees any trees or shrubs in any lot shall become detrimental to the adjacent lots or avenues, or dangerous or inconvenient, it shall be the duty of the Trustees to enter upon said lot and to remove said trees and shrubs, or such parts thereof as are thus detrimental, dangerous or inconvenient.

Section 7. There shall be no structure or inscription placed in, upon, or around any lot which the Trustees shall deem offensive or improper; and it shall be the duty of the Trustees to remove all offensive or improper objects.

Section 8. The Trustees shall have the authority to purchase any tomb in the Cemetery offered for sale, paying the same such sums as, in their judgment, may be fair and reasonable.

They shall also have authority to give for any tomb a lot to be constructed on the land occupied by the tomb, or to be selected at some other point in the Cemetery grounds, as they may agree with the proprietor of the tomb. Should there be no living proprietors, or legal representatives of deceased proprietors, the Trustees may take possession of such Tomb, carefully remove its contents to a lot prepared for the purpose and erect over the remains a suitable memorial stone.

Section 9. The following regulations shall be posted within the Cemetery: -

1. All persons are prohibited from driving on the borders.
2. No horse shall be left upon the grounds without a keeper, unless fastened to posts provided for the purpose.
3. All persons prohibited from discharging firearms within the grounds of the Cemetery, except in connection with military memorial services.
4. All persons are prohibited from writing upon or otherwise defacing any sign, monument, fence, or other structure.
5. All persons are prohibited from gathering flowers, or breaking any tree, plant or shrub.
6. Dogs are not allowed within the Cemetery grounds.

## CHAPTER 6

### POLICE REGULATIONS

Section 1. No person shall move or assist in moving any building, over any way which the Town is obliged to keep in repair, without the written permit of the Selectmen being first obtained; nor having obtained such permit, without complying with the restrictions and provisions thereof.

Section 2. No person shall place or cause to be placed, upon any public way or sidewalk, any lumber, iron, wood, coal, trunk, bale, box, crate, cask, barrel, package or other thing, and allow the same to remain for more than one hour, or more than ten minutes after being notified by a police officer; provided that the provisions of this section shall not apply to the placing of ashes, refuse or garbage in proper receptacles for collection under public authority.

No person shall attach to a pag, barrel, container or any other receptacle placed for rubbish pickup and altered or otherwise invalid Town of Milton sticker. Any person who violates this section shall be punished by a fine of not less that thirty-five dollars and not more than three hundred dollars for each offense.

Section 3. Any person who intends to erect, repair or take down any building on land

abutting on any way which this Town is obliged to keep in repair, and desires to make use of any portion of said way for the purpose of placing thereon building materials or rubbish shall give notice thereof to the Selectmen. And thereupon the Selectmen may grant a permit in writing to occupy such portion of said way to be used for such purpose as in their judgment the necessity of the case demands and the security of the public allows; such permit in no case to be in force longer than ninety days and to be on such conditions as the Selectmen may require; and especially in every case, upon condition that during the whole of every night, from twilight in the evening until sunrise in the morning, lighted lanterns shall be so placed as effectually to secure all travellers from liability to come in contact with such building materials or rubbish.

Section 4. No person shall throw or place or cause to be thrown or placed, any ice or snow into or upon any public way in such a manner as to obstruct traffic or endanger travel upon the public way.

Section 5. Whoever, without the written permission of the Selectmen, shall place or cause to be placed in or upon any public way, or sidewalk, any ashes, dirt, rubbish or filth of any kind, or any animal or vegetable substance, shall forfeit and pay a sum not less than one dollar nor more than ten dollars for each offense.

Section 6. No person shall stand on any sidewalk or in any public place in such a manner as to obstruct a free passage for foot passengers, after having been requested by a police officer to move on. Any person who shall violate the provisions of this section shall forfeit and pay a sum not less than twenty-five dollars nor more than one hundred dollars for each offense.

Section 7. No person shall dig up or obstruct any portion of any way which the Town is obliged to keep in repair without the permit, in writing, of the Selectmen, nor, having obtained such permit, shall fail to comply with the conditions thereof; and in addition to any penalty to which he may be subjected under these bylaws for such failure, he shall reimburse the Town for all expenses and damages which, or for which, the Town may be compelled to pay by reason of such unauthorized use, or any failure to comply with said conditions.

Section 8. No person shall ride or drive any beast of burden, carriage or draught, or shall drive or propel or cause to be driven or propelled any bicycle, tricycle, motor vehicle or any vehicle whatsoever, in or over any crossing in any public way at such a rate of speed as to endanger the lives and safety of the public.

Section 9. No person shall permit any vehicle under his care or control to stand across any public way in such a manner as to obstruct the travel over the same for an unnecessary length of time; no person shall stop with any vehicle in any public way so near to another vehicle as to obstruct public travel; and no person shall stop with any vehicle upon or across any crossing in any public way.

Section 10. No person shall coast upon ice or snow upon any public way except one on which the Selectmen or Chief of Police by public notice permit such coasting and no person shall ride any animal or drive, wheel or draw any coach, cart, wheelbarrow, hand cart, velocipede,

bicycle, or any vehicle except children's carriages, or coast upon any sidewalk in the Town except that nothing in this section shall be construed to prohibit the Selectmen or Chief of Police from permitting the use of bicycles upon any sidewalk in the Town, outside business districts, which may by them be specifically designated for such use, provided public notice of such designation shall have been made in the interests of safety. Whoever violates the provisions of this section shall forfeit and pay a sum not less than one dollar nor more than ten dollars for each offense.

Section 11. Whoever shall behave in an indecent or disorderly manner, or use profane, indecent, or insulting language in or upon any sidewalk, public way, or other public place, to the annoyance or disturbance of any other person there being or passing in a peaceable manner, shall forfeit and pay a sum not less than twenty-five dollars nor more than one hundred dollars for each offense.

Section 12. Any person or persons who shall play or perform on any musical instrument, or sing, parade, march, or congregate in any public way or public place, except in connection with a funeral, without the written permit of the Selectmen shall forfeit and pay a sum not less than one dollar nor more than twenty dollars for each offense.

Section 13. Whoever shall be or remain on any doorstep, portico, or other projection from any house or building, or upon any wall or fence on or near any public way or public place, after being requested by the occupant of the premises or by any police officer to remove therefrom shall forfeit and pay a sum not less than twenty-five dollars nor more than one hundred dollars for each offense.

Section 14. No person shall throw stones, snowballs, sticks, or other missiles, or kick a football or play at any game in which a ball is used, or fly any kites or balloons in any public way.

Section 15. Whoever shall affix, by paste or otherwise, any handbill, placard, notice, or advertisement, or paint, draw or stamp the same, or any marks or figures, to or upon any sign board of the Town, or to or upon any building, fence, wall, tree or structure, without the permission of the owner of such building, fence, wall, tree or structure, shall forfeit and pay a sum not less than one dollar nor more than ten dollars for each offense; and if such handbill, placard, notice, advertisement, mark, or figure be obscene or indecent, the penalty shall be not less than twenty dollars for each offense.

Section 16. Whoever shall undertake to enter a particular drain into a common sewer without a permit in writing from the Sewer Commissioners or without complying with the conditions and directions of such permit, shall forfeit and pay a sum not exceeding ten dollars.

Section 17. Whoever shall lead or cause to be led into any public way, or running stream, any drain or pipe from any house or other buildings whereby filthy water or other unclean matter may be emptied into or upon any such public way or running stream; and whoever shall throw, lead or discharge of cause to be thrown, led or discharged, into any public way, or running

stream, any noxious or poisonous matter or substance, or any matter or substance which shall cause an offensive smell or odor, or which shall be destructive of, or injurious to, animal life, shall forfeit and pay a sum not less than five dollars nor more than twenty dollars.

Section 17A. Whoever shall throw or cause to be thrown into any brook or stream any substance, rubbish, debris or waste matter whatsoever which will obstruct or tend to obstruct, or alter or tend to alter the flow of water in such brook or stream, or which will pollute or tend to pollute or cause an offensive smell or odor in such brook or stream, shall forfeit and pay a sum not less than five dollars nor more than twenty dollars.

Section 18. The Selectmen may license hackney carriages or motor vehicles for the conveyance of persons for hire from place to place within the town, and they may revoke such licenses at their discretion, and a record of all licenses so granted or revoked shall be kept by the Selectmen.

No person shall set up, use or drive in the town any unlicensed hackney carriage or motor vehicle for the conveyance of passengers for hire from place to place within the town under a penalty not exceeding twenty dollars for each offense.

Licenses shall expire on the thirtieth day of April next after the date thereof, and shall not be transferred without the consent of the Selectmen endorsed thereon. For each license the sum of ten dollars shall be paid to the town treasurer for the use of the town. A license so granted shall become void if the applicant neglects or refuses to take out and pay for his license within ten days after notice that it has been granted.

The Selectmen may grant to the holder of a license under the preceding paragraphs of this section a license to use a certain portion of a public way as a carriage stand for the solicitation of passengers for hire and no person shall use any portion of any public way for such purposes without such license.

Any person who violates any of the provisions of this section shall be punished by a fine of not more than twenty dollars for each offense.

Section 19. No person shall distribute papers, circulars or advertisements through the Town or any portion thereof in such manner as to make a litter or otherwise cause public annoyance.

Section 20. No person shall fire, discharge, explode or set off any torpedo, firecracker or fireworks in such manner as to disturb the peace or quiet of any neighborhood. No person shall hunt or fire, discharge, explode or set off any firearm within the limits of any park, playground or other public property except with the consent of the Board of Selectmen or within the limits of any private property except with the consent of the owner or the lawful occupant thereof. With respect to firearms, this Section shall not prohibit the lawful defense of life or protection of property nor be applicable to any law enforcement officer acting in the discharge of his duties.

Section 21. No person shall willfully deface or injure any public playground, planting space, flower bed, tree, shrub or grass border.

Section 22.

A. No person shall own or keep a dog which by barking, biting, howling or in any other manner disturb the peace and quiet of any neighborhood or endangers the safety of any person.

B. The owner, keeper, parent or guardian of a minor owner or keeper of a dog shall not allow said dog to be off the premises of its said owner or keeper except:

1. in the immediate restraint and control of some person by means of a leash or by effective command, or
2. on the premises of another with the permission of such other.

C. Any violation shall be punished by a fine of \$ 30.00 for the first offence, \$40.00 for the second offense and \$ 50.00 for the third offense. In addition, any violation shall permit the dog officer to order the dog restrained or to impound the dog. Return of the dog to the owner or keeper shall not be made until after the payment to the Town of the sum of \$ 35.00 together with \$ 10.00 for each day the dog is held. Dogs impounded and unclaimed by the owner or keeper after ten (10) days shall, for a fee of \$ 15.00 paid by the purchaser, be put up for adoption by the Dog Officer. There will be a fee of \$ 25.00 payable by the owner for removal of dead animals from private property or emergency service for animals injured or after twenty (20) days shall be disposed of by the Dog Officer on the Monday or Tuesday after the expiration of the twenty (20) day period from the date of impounding.

D. 1. No dog shall be tethered to a stationary object for more than one (1) hour at a time.

2. Dogs shall be tethered to a stationary object with a tether which is manufactured specifically for dogs or which is made of a material with sufficient strength for that purpose, including without limitation coated steel cable. No dog shall be tethered to a stationary object with a material which may cause death or injury to a dog or which could become entangled around the body or limbs of a dog or could otherwise cause discomfort to a dog, including without limitation rope, clothesline or chain.
3. No dog shall be tethered to a stationary object with a tether which is less than five (5) times the length of the dog, measured from the tip of the dog's nose to the tip of the dog's tail.

4. No dog shall be tethered to a stationary object by a tether which is attached to a training collar on the dog's neck which, if the tether became tangled, could tighten, causing death, injury or discomfort to the dog.
5. No dog shall be penned in a space which is not large enough for the dog to move around comfortably. Each such pen shall meet the then current requirements for space as recommended by the Humane Society of the United States.

The minimum space requirements for such a pen shall be:

<u>Number of dogs</u>	Total weight of dogs less than fifty (50) <u>pounds</u>	Total weight of dogs fifty (50) pounds <u>or more</u>
1	6 feet x 10 feet (60 square feet)	8 feet x 10 feet (80 square feet)
2	8 feet x 10 feet (80 square feet)	8 feet x 12 feet (96 square feet)
3	8 feet x 12 feet (96 square feet)	10 feet x 14 feet (140 square feet)

6. No dog shall be penned for more than four (4) hours at a time.
7. Any person who violates any provision of this Subsection D of Section 22 shall be punished by a fine of not less than twenty-five dollars (\$25.00) and not more than two hundred dollars (\$200.00) for each offense. Each day of such violation shall constitute a separate offense. Proof that a dog which is the subject of such a violation has been spayed or neutered shall be a basis for reduction of a fine.

Section 23. No person shall burn anything so as to emit noxious odors to the discomfort of the neighborhood.

Section 24. No person shall place or suffer to accumulate on his premises any refuse, animal or vegetable matter, rubbish or filth, whereby any offensive or noxious stench or effluvia shall be created so as to endanger the health or comfort of the neighborhood.

Section 25. The Selectmen may license suitable persons to be dealers in and keepers of shops for the purchase, sale, or barter of junk, old metals, or second-hand articles from place to place in the 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 the Town; and they may 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 prescribe 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 collection or keeping of the articles aforesaid, may be examined at all times by the Selectmen or by any person by them authorized thereto. The aforesaid licenses may be revoked at pleasure, and shall be subject to the provisions of law. Whoever violates any provision of this section shall forfeit and pay for each offense a fine not exceeding twenty dollars.

Section 26. The Selectmen may order numbers to be affixed to or painted on the buildings on any street in their discretion. The owner of every house shall comply with such order within thirty days thereafter. Whoever violates any provision of this section shall forfeit and pay for each offense a fine not exceeding twenty dollars.

Section 27. Except when otherwise provided by law, prosecutions from offenses under the bylaws of the Town may be made by any police officer of the Town.

Section 28. The Superintendent of Streets or other officer having charge of ways is authorized, for the purpose of removing or plowing snow or for removing ice from any way, to remove or cause to be removed to some convenient place including in such term a public garage any vehicle interfering with such work and said Superintendent of Streets or other officer having charge of ways is authorized to impose liability for the cost of such removal and of the storage charges if any resulting therefrom upon the owner of such vehicle.

Section 29A. No person, or organization, or corporation may sell any merchandise or services on any public park or playground, with the exception of the Town Landing, shown on the Town of Milton Assessors' maps as Section F, Block 11, Lot 1, nor erect or maintain a booth, stand, tent or apparatus of any kind for the purpose of a financial profit, after July 1, 1965.

Section 29B. Notwithstanding anything to the contrary in Section 29A of this Chapter 6, pursuant to a written permit issued by the Board of Park Commissioners (with respect to which the Board may impose a reasonable fee), any not-for-profit organization or corporation operating

for the purpose of providing athletic and/or recreational activities for citizens of the Town (herein a "Qualified Organization" ) may operate on a public park or playground in the Town of Milton a non-permanent concession selling food, non-alcoholic beverages and souvenirs relating to such Qualified Organization's athletic and/or recreational activities if (i) the proceeds from such concession are utilized for the furtherance of the athletic and/or recreational purposes for which such Qualified Organization is operating (which could include, without limitation, maintaining, improving or equipping one or more public parks or playgrounds) and (ii) an annual accounting of such proceeds and the uses thereof is submitted by such Qualified Organization on an annual basis to the Board of Park Commissioners and the Town Accountant.

Section 30. No utility company shall install or construct, except by way of replacement or upgrading of existing facilities, any poles, overhead wires or associated overhead structures upon, along or across any public way within the Town of Milton. Any person violating this Section shall be punished as provided by General Laws, Chapter 166, Section 22C.

Section 31. No person shall sell, solicit or display goods, articles, wares or merchandise upon the public ways of the Town unless duly licensed to do so by first having obtained a written permit from the Board of Selectmen.

Section 32. It shall be unlawful for anyone to solicit from house to house for the sale of any articles or thing in the Town from sunset to sunrise on any day, or at any time on Sunday or any legal holiday.

Section 33. No person shall break or dig up the ground in any street or sidewalk for any purpose whatever nor construct a driveway in such a manner as to cause vehicles leaving or entering said driveway to pass over a public sidewalk, tree lawn or shoulder without first obtaining from the Board of Selectmen a permit, which permit may provide limitations, conditions or restrictions on the size and location of the opening or curb cut.

Section 34. Drinking or possession of alcoholic beverages, as defined in Chapter 138 of the Massachusetts General Laws, while in or upon any school building or school grounds, library grounds, park, playground, or other municipal building or land is prohibited. With respect to the use of Town of Milton property in accordance with a written lease agreement with the Town of Milton which has been entered into or amended after May 6, 2004, drinking or possession of alcoholic beverages may be permitted on the leased premises upon such terms and subject to such conditions as the Board of Selectmen shall determine. Whoever violates any provision of this section shall be fined an amount of not less than twenty-five dollars nor more than one hundred dollars for each offense.

Section 35. No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1 of the Massachusetts General Laws while on, in or upon any public way or upon any way in which the public has a right to access or in any place to which members of the public have access as invitees or licensees, park or playground, or private land or place without consent of the owner or person in control thereof. All alcoholic beverages being used in violation of this bylaw shall be seized and safely held until final adjudication of the charge against the person

arrested or summoned before the court. Whoever violates any provision of this section shall be fined in an amount of not less than twenty-five dollars nor more than one hundred dollars for each offense.

Section 36. No person owning or operating a gasoline filling station shall allow the pumping of gasoline for retail sale without an attendant employed by the station present to hold the gas nozzle while gasoline is being pumped into the tank of the vehicle. No gasoline filling station shall be open for business in the Town of Milton between the hours of 11:00 P.M. and 6:00 A.M.

Section 37. No yard, garage, porch, or barn sale shall be held on any property in the Town of Milton without the property owner or occupant of said property first obtaining a permit from the Board of Selectmen. Not more than two yard, garage, porch, or barn sales shall be held by any property owner or occupant of said property within a one year period, but the Board of Selectmen may grant more than two permits per year to a religious, educational or other charitable organization.

Only articles and items owned by the property owner or occupant shall be sold at the yard, garage, porch, or barn sale, unless in the judgment of the Board the sole intent of the sale is to benefit a charitable organization located in the Town of Milton.

Each permit granted by the Board of Selectmen shall not be for more than two consecutive days of sale.

Signs will be permitted only on private property. No signs will be permitted on Town streets, on poles, trees or sidewalks. Signs may be erected no more than two days prior to the sale and must be removed no later than the day following the sale.

Section 38. A police officer may arrest without a warrant anyone who violates the provisions of Sections 34 or 35 of this Chapter.

#### Section 39. Burglar Alarm Systems

##### A. Definitions

PREAMBLE - It is determined that the number of false alarms being made to the Police Department hinder the efficiency and lowers department morale. This situation constitutes a danger to the general public, homeowners, businesses and the police. The adoption of this by-law will reduce the number of false alarms and promote the responsible use of alarm devices in the Town of Milton.

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. Fire Alarm systems and alarm systems which monitor temperature, smoke, humidity or

any other condition not directly related to the detection of an unauthorized intrusion into a premise or an attempted robbery at a premise are specifically excluded from the provisions of this by-law. The provisions of Section C of this bylaw shall apply to all users.

2. The term “False Alarm” means (a) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or his employees or agents; (b) any signal or automatic dialing device transmitted to the Police Department requesting or requiring or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusion, robbery or burglary, or attempted threat. For the purposes of this definition, activation of alarm systems by acts of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes, and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.

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

#### B. Control and Curtailment of Signals Emitted by Alarm Systems

1. Every alarm user shall submit to the Police Chief 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 of said premises to immediately notify the Milton Police Department of any changes in the list of authorized employees or other persons to respond to alarms.

2. All alarm systems installed after the effective date of this by-law which use an audible horn or bell shall be equipped with a device that will shut off such bell or horn within fifteen (15) minutes after activation of the alarm system. All existing alarm systems in the Town of Milton must have a shut-off device installed within six (6 ) months of passage of this by-law.

3. Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes between 7 p.m. and 6 a.m. which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph (1) of this section, and which disturbs the peace, comfort or repose of a community, a 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 continuous and uninterrupted signal, the Police Department shall endeavor to contact the alarm user, or members of the alarm user’s family, or those persons designated by the alarm user under paragraph (1) of this section in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

4. No alarm system which is designed to transmit emergency messages or signals of intrusion to the Police Department will be tested until the Police Dispatcher has been notified.

5. The provisions of this by-law shall not apply to alarm devices on premises owned or controlled by the town, nor to alarm devices installed in a motor vehicle or trailer.

### C. Penalties

1. The user shall be assessed twenty-five (25) dollars 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 user shall submit payment within fifteen (15) days of said notice to the Town Treasurer for deposit to the General Fund.

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

## Section 40. Water Supply Protection

### A. Authority

This Bylaw is adopted by the Town of Milton under its home rule powers and its police powers to protect public health and welfare and the authorization conferred by the Massachusetts General Laws, including without limitation G.L. c. 40, S.21 and 21D.

### B. Purpose

The purpose of this Bylaw is to protect, preserve, and maintain the public health, safety and welfare whenever there is in force a state of water supply emergency by providing for enforcement of any duly imposed provisions, restrictions, requirements, or conditions imposed by the Town of Milton or by the Massachusetts Department of Environmental Protection and included in the Town's plan approved by the Department of Environmental Protection to abate the emergency.

### C. Applicability

This Bylaw shall apply to all users of water supplied by the Town of Milton.

### D. Definitions

For the purpose of this Bylaw:

enforcement authority shall mean the Milton Board of Selectmen or its designee, or any other Board or department having responsibility for the operation and maintenance of the Town's water supply, or its designee, the Milton Police Department, Milton Special Police, or any other board, commission or department of the Town of Milton which has police powers.

state of water supply emergency shall mean a state of water supply emergency declared by the

Department of Environmental Protection pursuant to G.L. c. 21G, G.L. c. 111, S. 160, or by the Governor.

E. Following notification by the Town of Milton of the existence of a state of water supply emergency, no person or entity shall violate any provision, restriction, condition or requirement included in a plan approved by the Department of Environmental Protection which has as its purpose the abatement of a water supply emergency.

F. Penalty

Any person or entity who violates this By-Law shall receive a warning for the first violation and shall be liable to the Town of Milton in the amount of \$50. for the second violation and in the amount of \$100. for each subsequent violation, which money shall inure to the Town of Milton for such uses as the Board of Selectmen may direct. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with MGL c. 40 S. 21D. Each separate instance of noncompliance following the issuance of any warning or citation pursuant to this section shall constitute a separate violation.

G. Severability

The invalidity of any portion or provisions of this Bylaw shall not invalidate any other portion, provision or section.

Section 41. No Fouling of Public Areas

A. Duty to Dispose: It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, street or other public area in the Town.

B. Duty to Possess Means of Removal: No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog.

C. Method of Removal and Disposal: For the purposes of this bylaw, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of canine feces, or as otherwise designated as appropriate by the Board of Health.

D. Enforcement: Enforcement of this bylaw may be a Town Police Officer, Animal Control Officer, agent of the Town's Board of Health, or any person designated by the Board of Selectmen.

E. Violation of this section shall be punishable as follows:

First offense: warning  
Second offense: by a fine of \$50  
Third and each subsequent occurrence: \$100

F. Exemption: This bylaw shall not apply to a dog accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this bylaw, or to any individual who utilizes a guide dog.

## CHAPTER 6A

### SCHOOL TRAFFIC CONTROL

Section 1. There shall be a School Traffic Control Unit in the Police Department consisting of not less than five nor more than eighteen Special Police Officers appointed by the Board of Selectmen to serve at the pleasure of the Board. The duties of such special police officers shall be supervised by and be under the direction of the Chief of Police.

Section 2. Special Police Officers appointed under this Chapter shall be designated as School Traffic Supervisors and shall have all the power and authority of regular police officers in the enforcement of Chapter 90 of the General Laws and Acts and amendment thereof and in addition thereto, and of all other Laws and of the Bylaws of the Town relating to the operation, standing or use of vehicles.

## CHAPTER 6B

### TRAFFIC COMMISSION

Section 1. A Town Traffic Commission is hereby created.

Section 2. The Traffic Commission shall be composed of eight members as follows:

- Chief of the Police Department
- Chief of the Fire Department
- Director of Public Works/Town Engineer
- Director of Facilities, Milton Public Schools
- Wire Inspector
- Safety Officer, Police Department
- Town Planner
- Assistant Town Engineer

Section 3. The members of the Traffic Commission shall receive no compensation for

their services as commissioners, but all expenses incurred shall be paid by the Town out of an appropriation for such services.

Section 4. The Chief of Police shall act as the Chairman of the Traffic Commission.

Section 5. The Traffic Commission shall designate one of its members as Secretary. The Secretary shall arrange meetings, supply records, obtain data, prepare reports and attend to such other duties as shall be decided by the Traffic Commission.

Section 6. The Traffic Commission shall study the traffic situation in the Town and shall suggest and advise the Selectmen in ways and means to regulate traffic in the Town and recommend changes and amendments to the Traffic Rules and Orders of the Town with a view towards reducing accidents and relieving traffic congestion.

Section 7. All Bylaws, Traffic Rules and Orders, complaints or suggestions relative to traffic conditions in the Town shall first be submitted through the Secretary of the Traffic Commission to the Commission for study and recommendation before being acted on by the Selectmen.

## CHAPTER 7

### BUILDING DEPARTMENT

The Building Department functions are governed by the General Laws of the Commonwealth of Massachusetts

## CHAPTER 8

### TOWN WAYS

Section 1. Every way that shall be laid out for the acceptance of the Town as a town way shall be not less than fifty feet in width, provided, however, that upon written certification by the Planning Board, with respect to the layout of a particular way, that the requirement of a width of fifty feet will cause practical difficulty or unnecessary hardship, such way may be laid out less than fifty feet in width.

Section 2. If an existing private way the fee of which is in the abutters shall be laid out for the acceptance of the Town as a town way such way shall not be accepted unless and until the Selectmen shall have certified in writing that such way is well built, and as constructed it is equal to the average construction of existing highways of the Town; provided, however, that this section shall not apply to ways laid out subject to the provisions of law relating to the assessment of betterments and shall not apply to ways shown on plans approved by the Planning Board and constructed in accordance with rules and regulations of the Planning Board.

Section 3. Whoever cuts down or removes any tree or whoever tears down or destroys a stone wall or portions thereof in violation of the provisions of General Laws Chapter 40, Section 15C shall be fined \$200. and shall also be ordered to restore the damaged property or forfeit to the Town the fair and reasonable charge for replacing said property.

## CHAPTER 9

### BILLBOARDS

Section 1. No person or corporation shall erect or maintain a billboard sign or other outdoor advertising device, except as provided in Section 32 of Chapter 93 of General Laws, on any location within three hundred feet of any public park or playground of Metropolitan Park or Parkway, if within public view from any portion of such parks, playgrounds, or parkways; or within three hundred feet of any other public way and within public view from any portion of the same, if such billboard, sign or device exceeds five feet in height or eight feet in length, and no billboard, sign or device placed within three hundred feet of any such public way and within public view shall be nearer than fifty feet to any other such billboard, sign or device; or at the corner of any public ways and within the radius of one hundred and fifty feet from the point where the center lines of such ways intersect; or in any place unless the lowest portion of such billboard, sign or device is at least three feet from the ground, and the entire structure, including its braces and supports, is maintained in good repair, painted, and free from accumulation of rubbish and filth and from the pupae, eggs and caterpillars of gypsy and brown-tail moths and other tree and shrub destroying pests; provided that this section shall not apply to signs or other devices which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertise the property itself or any part thereof if for sale or to let.

## CHAPTER 10

### ZONING

Separate publication together with the Chapter 15 Wetlands

## CHAPTER 11

### PLANNING BOARD AND BOARD OF APPEALS

Section 1. A Planning Board is hereby established under the provisions of General Laws (Ter. Ed.), Chapter 41, Section 81A (Acts of 1936, Chapter 211) and any amendments thereto, with all the powers and duties therein and in any existing bylaws of the Town provided, to consist of five members to be elected by ballot at the annual Town Meeting in March, 1939, one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years and thereafter in accordance with the provisions of

the statute.

Section 2. The existing Board of Appeals appointed from time to time pursuant to Chapter 7 of the General Bylaws (known as the Building Code) shall act as and by the Board of Appeals under Chapter 10 of the General Bylaws (known as the Zoning Bylaw), act as and be the Board of Appeals under General Laws (Ter. Ed.) Chapter 40A and amendments thereto (known as the Zoning Enabling Act), and act as and be the Board of Appeals under General Laws (Ter. Ed.), Chapter 41, Section 81Z and amendments thereto (known as the Subdivision Control Law).

## CHAPTER 12 WATER COMMISSIONERS

The Board of Water Commissioners may from time to time, on such conditions as may be determined by the Board, receive from prospective developers of lands in the Town, respectively, sums of money sufficient, in the opinion of the Board, to cover the estimated expense to the Town, as certified by the Planning Board or such part thereof as is to be incurred by the Town, of constructing water mains with all appurtenances necessary or proper in private ways approved by the Planning Board under the provisions of General Laws (Ter. Ed.), Chapter 41, as amended by St. 1936, C211, or as otherwise amended such sums to be paid to the Town Treasurer to the Credit of the Town, each such sum to be held as a special fund marked with the name of the depositor and the way or ways to which the same is applicable, and subject to retention and appropriation by the Town for the purpose of reimbursing the Town for moneys expended in constructing water mains and appurtenances in the respective ways designated for the respective funds and for the return to the depositor of any unexpended balance as certified by the Board of Water Commissioners after completion of such water mains and appurtenances. If such deposit of estimated expense in any case is not sufficient for the work, the developer shall make deposit of a sufficient additional amount.

This bylaw shall be additional to and not in limitation of the powers otherwise vested in said Board of Water Commissioners.

\* Voted March 13, 1971 under Article 14 to petition the Massachusetts Legislature to enact legislation to permit the Board of Selectmen to serve as Water Commissioners effective March 5, 1972. Chapter 319, Sections 1 and 2 of the Acts of 1971. Approved May 20, 1971.

## CHAPTER 13 PERSONNEL ADMINISTRATION

### **Section I. Enabling Laws**

By virtue of authority established under General Laws, Chapter 41, Section 108A and 108C as amended, and all other acts thereto enabling, there is hereby established a plan pertaining to wage and salary determination and personnel administration of the Town to be known as the Personnel Administration Plan, and sometimes hereinafter referred to in this Chapter as the

“Plan.”

## **Section II. Application Coverage**

All Town departments and positions in the Town service for which compensation is paid (whether full-time, part-time, seasonal, casual, special, Civil Service or others) shall be considered as being within the scope of coverage unless otherwise stated, and shall be subject to, and have the benefits of this Chapter with the following exceptions and/or limitations:

A. In conformance with Chapter 41, Section 108, of the General Laws, as amended, salaries paid to elected Town Officials shall be established annually by vote of the Town. The Personnel Board shall, however, maintain the required records to properly evaluate the worth of such service, and on request, shall make recommendations as to equitable salaries for these positions.

B. Positions under the direction and control of the School Committee in conformance with Chapter 41, Section 108A, of the General Laws, as amended, shall not be included unless such inclusion shall be at the specific request of the School Committee.

### **C. Youth Department**

1. A Town Youth Department is hereby established.

2. The head of the Youth Department shall be the Youth Coordinator who shall be appointed annually by the Board of Selectmen.

### **D. Town Office and Library Buildings Department**

1. A Town Office and Library Buildings Department is hereby established.

2. The head of the Town Office and Library Buildings Department shall be the Superintendent of the Town Office and Library Buildings who shall be appointed annually by the Board of Selectmen.

## **Section III. Administration (General)**

### **A. Personnel Board**

#### **1. Appointment Procedure**

There shall be a Personnel Board, consisting of five (5) unpaid members, each of whom shall be appointed by the Moderator for a term of five (5) years, beginning the first day of June in the year of appointment. Terms of service shall be so arranged that the term of one (1) member expires each year. Every member shall serve until his successor has been appointed. There shall be a Chairman of the Board, designated by the Moderator each year and he shall hold office for one (1) year beginning on the first day of June and until his successor is appointed.

Vacancies in the membership of the Board shall be filled by the Moderator to cover the unexpired term of the vacated member. In the event of a vacancy in the office of Chairman, the members of the Board shall elect a Chairman to serve until the next first of June.

## 2. Board Membership

No Board members shall be in a paid service of the Town, either elected, appointed or hired.

### B. General Administration Authority of Personnel Board

The Personnel Board shall administer the provisions of this Chapter and shall determine all questions arising thereunder. The Personnel Board shall, from time to time, establish rules for the administration of the Plan and the conduct of its affairs not inconsistent with this Chapter, and may at any time amend or revoke the same. Such rules shall include specifications for minimum requirements of every classified position and no person shall be employed by the Town, unless in the opinion of the Personnel Board, such person meets said requirements. A majority of the Board shall constitute a quorum. Within its appropriation the Personnel Board may employ such personnel and incur such expenses as it deems necessary. The Personnel Board shall from time to time review the work of all positions covered by the Plan and the salary schedules provided in the Plan.

The plan shall not be amended except at Annual Town Meetings, but the Personnel Board may add positions, abolish positions, or reclassify positions in the Plan, and so far as permitted by law, change salary rates, all such action to be effective until the final adjournment of the next Annual Town Meeting.

The Personnel Board shall make an annual report in writing to the Town on or before July first of each year.

### C. Records and Information

The Personnel Board shall maintain adequate records, including detailed Personnel records of all employees. Each department, committee and board of the Town shall, in accordance with procedures prescribed by the Personnel Board, furnish the Board with all facts, figures and other information pertaining to the employees of the Town under their respective jurisdiction, as the Personnel Board shall require.

## **Section IV. Wage and Salary Determination**

### A. The Plan

A classification and compensation plan utilizing clearly defined formal evaluation procedures and a consideration of general current wage levels, as a basis for determining

equitable rates of compensation is hereby established. The Plan requires the maintenance, on a certain basis, of accurate and detailed descriptions of job or position requirements, the proper evaluation of same through the use of job and Staff Evaluation provided herewith and their classification into job and salary grades.

#### B. Current Classifications and Compensation Values

All positions are hereby classified into groups or grades which represent substantially similar over-all requirements, as evaluated, in accordance with the the classification and compensation plan procedures indicated in Section IV - A above. These values are contained in Salary and Job Schedules attached hereto and made a part hereof. These schedules include minimum and maximum wage and salary rates, with intermediate step-rate increases, and reflect the value of specific services as currently performed and in accordance with detailed descriptions contained in supporting records. It shall not be a requirement to include the current schedule of weekly employee pay rates in a warrant article which seeks to amend the Salary Schedule of the Personnel Board Pay Plan.

#### C. Installing the Plan

No present employee's wage or salary or paid vacation shall be reduced as a result of the installation of this Plan. Any existing rates of present employees above the maximum shall become Personal Rates and shall apply only to the present incumbent. Such rates are not subject to general increases until such time as these rates conform to the Grade Value as currently indicated in the Compensation Plan. When the incumbent leaves the employ of the Town, or is transferred to another position which carries a higher rate than his Personal Rate, or voluntarily changes to another position, the Personal Rate shall disappear. No other employee assigned to or hired for the position shall advance beyond the maximum of the job.

#### D. Operating the Plan

##### 1. Job and Position Descriptions

The Personnel Board shall maintain up-to-date descriptions for each job or position in the Plan, describing the specific duties, requirements and characteristics of each, in sufficient detail as to make available the necessary information to insure a fair evaluation and/or re-evaluation. These descriptions shall not be interpreted as being a complete or limiting definition of job requirements and it is expected that the employee will perform any duties assigned by those delegated to supervisory functions.

##### 2. Job and Position Evaluation and Re-evaluation

As new jobs or positions are added to the Plan, or as changes take place in the specific

requirements of those already evaluated, they shall be evaluated in accordance with the established procedures to determine the grade or change in grade, if any, resulting from such evaluation.

### 3. Changes of Grade

An employee advancing to a higher grade shall start at the lowest step in the new grade which does not reduce his compensation, provided, however, that the Personnel Board may start such employee in a higher step than prescribed when it concurs with the opinion of the Department Head that special circumstances warrant such action.

### 4. Step Rate Advances:

Employees may be advanced by merit increases within their salary grade, one step each year as of July first, until the maximum is reached. A new employee may be eligible to advance on July first to the next higher step of his grade if he has been in continuous town employment for at least three (3) months. If the employee has not been so employed for at least three (3) months, the employee shall not be eligible for advancement until the second July first after employment. Every increase shall be made on the basis of merit only, upon the recommendation of the Department Head and with the approval of the Personnel Board. Where differences may exist, the employee may be granted a hearing for the purpose of receiving a clarification of the basis or decision in this area.

### 5. Classification of New Employees

The Personnel Board shall be notified of all requisitions for persons to fill positions or perform duties, subject to the compensation plan and shall advise upon the appropriate classification to which such person shall be assigned. No new employees shall start work, receive wages or receive compensation in any form without the prior approval of the Personnel Board, or, for seasonal employees without the prior approval of the Chairman of the Personnel Board. Persons who have resided in the Town for one year immediately prior to the date of the filing of the requisitions to fill a position shall be granted a preference to be hired for said position ahead of persons who have not so resided. The Personnel Board may waive this requirement in any case where the appointing authority furnishes written reasons which the Board deems sufficient.

### 6. Hours of Employment

The base used in establishing each evaluated rate of compensation is the hour. Normal hours of employment are thus made a part of the salary and job grade schedules attached hereto. Deviation from these normal hours after forty hours/week, with the exception of the Fire Department whose normal work week is forty-two hours, becomes the basis for overtime consideration except as otherwise stated. It is to be assumed that all work hour schedules will be determined with a consideration of all laws affecting hours of employment. For services rendered beyond forty hours in any one week, or forty-two hours in the case of the Fire Department, overtime may be paid up to one and one-half times the regular rate of pay, time off equal to the overtime served may be granted, or such extra pay and time off may be combined to compensate for the overtime hours. The payment of overtime to Heads of departments and other employees will be determined under federal and state wage and hour laws.

The Personnel Board shall have the authority to allow a work schedule for individual employees which provides for work between hours other than 8:30 a.m. to 5:00 p.m., provided that the Personnel Board determines that such a schedule is in the best interests of the Town of Milton.

7. The Personnel Board shall establish policies and procedures governing fringe benefits to be granted to employees who are covered by this Chapter, including without limitation paid holidays, vacations, sick leave, paid leave for jury duty or for military duty, retirement, extra compensation for extended service, bereavement leave, accumulated sick leave, personal days and maternity-adoption leave. Such fringe benefits shall comply with applicable requirements of federal law and Massachusetts law. The Personnel Board shall maintain written records of all fringe benefit policies and procedures.

## **Section V. Miscellaneous General Provisions and Policies**

A. The number of persons employed by the Town temporarily or otherwise shall not be increased without the approval of the Personnel Board.

B. No head of Department receiving compensation from the Town shall at any time engage in private work which has or could have any relation to Town affairs.

C. Employees shall not receive compensation by way of salaries, wages or fees from more than one department, Board or Committee unless otherwise provided for in this Plan, or unless such compensation is approved by the Personnel Board.

D. Provisions in this Chapter requiring or authorizing payments of compensation are in every case subject to appropriations being made, from time to time, by Town Meetings unless such payments are otherwise authorized by law.

E. If any provision of this Plan shall conflict with any Civil Service Law or any other law presently or hereinafter in force, such a provision of this Plan shall be deemed modified, but only to the extent required to conform to law.

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

G. All Personnel Bylaws referring to regular part-time employees' proportionate benefits will be calculated based on the number of part-time hours worked per week as compared to the number of full-time hours worked per week within the same position classification.

## **Section VI. Grievance Procedure**

There shall be a grievance procedure available to those employees of the Town whose positions were removed from Civil Service under Article 12 of the Warrant of the 1978 Annual Town Meeting. As used in this section, the word "grievance" shall be construed to mean a dispute between an employee and his supervisor(s) concerning discharge, removal, suspension, layoff, transfer, or reduction in compensation or rank. Only employees who have completed a six month probationary period shall be eligible to file a grievance.

Step I. The employee shall take up his grievance orally with his immediate supervisor who shall reach a decision and communicate it orally to the employee within three (3) working days from the date on which the incident giving rise to the grievance has occurred.

Step II. If the grievance is not settled at Step I, the employee shall within five (5) working days thereafter present his grievance in writing to his supervisor who shall forward it to the department head who shall hold a hearing within five (5) working days. Within five (5) working days of the hearing the department head shall render his decision in writing to the employee.

Step III. If the grievance is not settled at Step II in those cases where the department involved is under the jurisdiction of a Board or Commission, the grievance shall be reviewed by said Board or Commission. Within ten (10) working days of the hearing, the Board or Commission shall render its decision in writing to the employee.

Step IV. If the grievance is not settled at Step III, all records and facts in the case shall be referred to the Personnel Board for adjudication. If the Personnel Board finds that the action of the supervisor was justified, such action shall be affirmed, otherwise the action relating to the employee may be reversed and/or modified and the grievant may be returned to his position with or without loss of compensation. Within ten (10) working days of the hearing the employee shall be notified in writing through the department head as to the decision of the Personnel Board which shall be final.

This Bylaw shall take effect upon the enactment of the aforementioned legislation.

The foregoing Chapter 13 entitled "Personnel Administration" was first added to the General Bylaws as voted under Article 8 of the warrant of the 1956 Annual Town Meeting.

## CHAPTER 14

### COUNCIL ON AGING

Section 1. Council on Aging is hereby established for the purposes and with the rights and duties provided by General Laws Chapter 40, Section 8B.

Section 2. Said Council shall consist of nine members appointed by the Selectmen for terms of three years, except that the initial appointments shall be three members for one year, three members for two years, and three members for three years.

## CHAPTER 15

### WETLANDS

Separate publication together with Chapter 10-Zoning

## CHAPTER 16

### ACCESS TO TOWN PROGRAMS AND SERVICES

Section 1. The purpose of this bylaw is to make reasonable accommodations to all citizens of the Town of Milton by improving access to town government programs and services.

Section 2. All public meetings held under the authority of the Town of Milton, its boards, committees, commissions, departments, offices or other bodies, shall be held in locations which are wheelchair accessible to the public.

Section 3. In any proceeding before a board, committee, commission, department, office or other body of the Town of Milton, involving a hearing-impaired person, such body shall appoint a qualified interpreter to interpret the proceedings, unless such hearing impaired person knowingly, voluntarily and intelligently waives in writing the appointment of such interpreter.

In no event shall the failure of a deaf or hearing-impaired person to request the appointment of an interpreter constitute a waiver of such appointment.

Section 4. Upon written request, the Town of Milton shall provide access to written material

produced by any Town of Milton board, committee, commission, department, office or other body including without limitation the annual reports, for the purpose of recording by a representative of the person making the request on audio-cassette tape for the visually impaired, at the expense of the person making the request.

Section 5. All Town boards, committees, commissions, departments, offices or other Town bodies shall make a good faith effort to submit to radio and print media notice of municipal events such as recreational activities, public meetings, public health, school programs and employment opportunities for publication as public service announcements at no cost to the Town.

Section 6. Failure to follow the procedure set forth in this bylaw shall not invalidate any action taken at any such public meeting.

## CHAPTER 17

### FIRE ALARM SYSTEMS AND FALSE ALARMS

#### Section 1. Definitions

For the purposes of this chapter the following terms shall have the following meanings:

(a) Fire Alarm System - An assembly of equipment and devices or a single device, such as a solid state unit which plugs directly into an AC line, arranged to signal the presence of a hazard or emergency requiring urgent attention and to which the Milton Fire Department is expected to respond, including, but not limited to, systems which monitor temperature, smoke, humidity or any other conditions indicating a fire emergency.

#### b) False Alarm

1. The activation of a fire alarm system by an agency other than a bona fide hazard or emergency of a type which the system is designed to warn against. For the purposes of this section, activation of a fire alarm system by acts of vandals, by acts of God, including, but not limited to, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances or power failure shall not be deemed to be a false alarm. For the purposes of this section, a vandal is defined as a trespasser and does not include the owner, the owner's agents, and lawful occupants of the premises containing the fire alarm system.

2. Any signal, telephonic or oral communication transmitted to the Fire Department requesting, requiring, or resulting in a response on the part of the Milton Fire Department to any premises or location in the absence of any bona fide hazard or emergency.

(c) Bona Fide Hazard or Emergency - a situation in which a threat to life, limb, health or property in fact exists, or a situation in which the person requesting or requiring a response on the a part of the Milton Fire Department has reasonable cause to believe such a threat exists.

(d) User

1. The owner, occupant, or person in charge in charge of the premises containing a fire alarm system, and their agents.

2. A person transmitting any signal, telephonic or oral communication requesting, requiring, or resulting in a response on the part of the Milton Fire Department to any premises or location.

(e) Chief - The Chief of the Milton Fire Department, the senior fire officer in charge of said department, or the designee of said Chief or senior officer.

## Section 2. Curtailment of Signals Emitted by Fire Alarm Systems

(a) Every user shall submit to the Chief the names, addresses and telephone numbers of the owner, occupant and person in charge of the premises, and the names, addresses and telephone numbers of at least two (2) other persons who can be reached at any time during the day and night and who are authorized to respond to an emergency signal transmitted by a fire alarm system and who can open the premises wherein the fire alarm system is installed. The names, addresses, and telephone numbers of the responders must be kept current at all times by the user.

(b) All fire alarm systems employing an audible horn, siren, or bell shall be equipped with a device that will shut off such horn, siren or bell within fifteen (15) minutes after activation of the system or as the Chief directs.

(c) All users must notify the Chief in advance of any testing of a fire alarm system. Failure to notify the Chief in advance of such testing shall constitute a false alarm.

## Section 3. Registration and Permits

(a) All existing fire alarm systems shall be registered with the Chief within thirty (30) days of the effective date of this chapter. All fire alarm systems newly installed after the effective date of this chapter shall be registered with the Chief within fourteen (14) days of the date of installation.

(b) Any user shall be required to obtain from the Chief a permit to install or alter a fire alarm system. The Chief may require that a re-set box be installed on the exterior of a building containing a fire alarm system.

## Section 4. Orders of the Chief; False Alarm Service Fee; Penalties

(a) Upon receipt of three (3) or more false alarms from the same fire alarm system or user within a calendar year, the Chief may, in writing, order:

1. That the user discontinue the use of the fire alarm system.
2. That any direct connections to the Milton Fire Department be discontinued.

3. That any further connection to the Milton Fire Department be contingent upon the user equipping the fire alarm system with a device that will shut off any audible horn or bell within fifteen (15) minutes after activation of the system or as the Chief directs.

(b) The user shall be assessed a false alarm service fee of one hundred (\$100.00) dollars for each false alarm in excess of three (3) occurring within a calendar year. The Chief shall notify the user by mail or by service in hand that an alarm has been determined to be a false alarm, or that a false alarm service fee has been assessed. All fees assessed hereunder shall be paid within fifteen (15) days of said notice to the Town Treasurer and Collector for deposit in the general fund, unless said assessment is rescinded by the Chief after review.

(c) Any user violating Section 3(b) above after receiving from the Chief due notice of said violation, or violating a written order issued by the Chief under paragraph (a) of this section shall be subject to a fine of fifty (\$50.00) dollars per day for each day of violation. Each day of violation shall be considered a separate offense. Users of existing fire alarm systems will have six months after adoption of this chapter to bring their premises up to code.

(d) Any user receiving a written order under paragraph (a) of this section, or receiving a notification under paragraph (b) of this section, shall be entitled to a hearing for the purpose of reviewing the correctness of such order or notification. Said review hearing shall be conducted by the Chief upon a written request delivered to the Chief within seven days of receipt of such order or notification.

#### Section 5. Applicability

The provisions of this chapter shall not apply to fire alarm systems on premises owned or controlled by the Town.

## CHAPTER 18

### PARK AND RECREATION REVOLVING FUND

SECTION 1: A Park and Recreation Revolving Fund is hereby established under the provisions of Chapter 44, Section 53D.

SECTION 2: The continued use of this fund shall be subject to annual authorization by a vote of the Annual Town Meeting.

## CHAPTER 19

### BOARD OF HEALTH

1.) The fee for each original or renewal license for a recreation camp for children, shall be fifty dollars (\$50.00)

## CHAPTER 20

### CHIEF OF POLICE

Section 1 - Upon the occurrence of a vacancy in the office of police chief, the Board of Selectmen shall appoint a committee of six persons to be called the "Police Chief Screening Committee" (hereinafter the Committee) which shall be comprised of (a) the Executive Secretary of the Board of Selectmen; (b) a member of the Personnel Board; (c) a current sworn member of the Milton Police Department; and (d) three residents of the Town not in a paid service of the Town, either elected, appointed or hired, at least one of whom shall have had substantial experience in law enforcement or a related field. The Board of Selectmen shall fill vacancies on the Committee as they may occur. The Committee shall make all decisions by majority vote, including the election of the Committee Chair. No person appointed to the Committee shall be eligible for appointment to the then current vacancy in the office of police chief. The Committee shall be dissolved upon the swearing in of the newly chosen police chief.

Section 2 - Upon their appointment, and except in the situation described in the next paragraph herein, the Committee shall review applications for the office of police chief only from persons who satisfy the following requirements on the date of application for the position of police chief: (a) having at least eight years of experience in law enforcement work; and (b) currently serving as a sworn member of the Milton Police Department in the permanent rank of sergeant or lieutenant with at least one year of prior service in either rank.

In the event the Committee shall receive a publicly-announced first application deadline, fewer than six applications from persons fulfilling both requirements (a) and (b) as set forth in the previous paragraph, then the Committee shall review such applications already received from permanent sergeants and/or lieutenants of the Milton Police Department, together with applications from any other currently serving sworn members of the Milton Police Department (whether in the permanent rank of patrolman, sergeant, or lieutenant) having at least eight years of experience in law enforcement work and who submit applications for the position of police chief by a publicly-announced second application deadline.

Section 3 - The Committee may, at their discretion, and subject to appropriation, employ the services of professional search consultants. In examining the qualifications of applicants, the Committee shall apply the following criteria (in addition to other reasonable criteria deemed appropriate by the Committee): (a) the results of a written examination or other assessment of leadership ability and management skills administered by a qualified testing agency or company recommended by the Committee and selected by the Board of Selectmen; (b) educational credentials; (c) experience in law enforcement and related fields; and (d) familiarity with problems of law enforcement in the Town of Milton. The Committee may interview as many of such applicants as the Committee deem necessary to form reasoned judgments.

Section 4 - Upon completion of the process required under Sections 2 and 3, the Committee shall select three qualified finalists, prepare a written analysis of each, and forward a list of such qualified finalists to the Board of Selectmen. In the event one or more of said qualified finalists withdraws from consideration at any time prior to the swearing in of the newly chosen police chief, the Committee shall upon a request of the Board of Selectmen, select and forward as recommended additional qualified finalists, equal in number to those finalists having withdrawn, to be added to the list of recommended finalists. In seeking additional qualified finalists, the Committee may reconsider applications already submitted and may set additional deadlines for late applications to be considered. All said additional qualified finalists must meet the requirements of Section 2.

Section 5 - The Board of Selectmen shall investigate the qualified finalists recommended by the Committee and shall choose the police chief from the list of qualified finalists recommended by the Committee. The Committee and the Board of Selectmen shall conduct this selection process in an expeditious manner.

## CHAPTER 21

### **Stormwater Management**

#### SECTION 1. PURPOSE

The purpose of this Bylaw is to: implement the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems issued by the U.S. Environmental Protection Agency; protect the public health, safety, and welfare of Milton residents; protect the natural resources, water bodies, groundwater resources, environment, and municipal facilities of the Town; satisfy the appropriate water quality requirements of the Federal Clean Water Act; eliminate and prohibit illicit connections and discharges to the Municipal Storm Drain System of the Town; eliminate or reduce the adverse effects of soil erosion and sedimentation as a result of land disturbing

activities; and manage stormwater runoff to minimize adverse impacts to the Town, its citizens, and the environment.

Chapter 21 is adopted under authority granted by the Home Rule Amendments of the Massachusetts Constitution, the Massachusetts Home Rule statutes, and the regulations of the Federal Clean Water Act found at 40 CFR 122.34. The provisions of Chapter 21 apply to all property owners in the Town.

The Department of Public Works (DPW) shall administer, and the Board of Selectmen shall enforce Chapter 21. Any powers granted to or duties imposed upon the DPW or the Board of Selectmen to promulgate rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

The DPW may promulgate rules and regulations to effectuate the purpose of this Bylaw. The Board of Selectmen shall approve such rules and regulations after a public notice in a newspaper of general circulation and a public hearing. Failure to promulgate such rules and regulations or a determination of their invalidity by final order or of a court of competent jurisdiction shall not have the effect of suspending or invalidating Chapter 21.

## SECTION 2. DEFINITIONS

Unless otherwise defined in this section, the terms in this Chapter correspond to definitions found in the Federal Clean Water Act (33 U.S.C. section 1251 et seq.) and the General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems issued by the U.S. Environmental Protection Agency.

The following definitions apply to this Chapter:

- (a) Applicant - The property owner.
- (b) Clean Water Act - The Federal Water Pollution Control Act (33 U.S.C. section 1251 et seq.) as it is amended from time to time.
- (c) Clearing - Any activity that removes the surface cover from land and exposes soil to the potential influence of stormwater.
- (d) Illicit Connection - A surface or subsurface drain or conveyance which allows an illicit discharge into a storm drain, 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 constructed, permitted, or approved before the effective date of this Bylaw.
- (e) Illicit Discharge - Direct or indirect discharge to the storm drain that is not composed entirely of stormwater, except as exempted in Section 3.
- (f) 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.
- (g) Project - A Land disturbance conducted on either a single property or multiple properties as part of a single proposal (e.g., residential subdivision).
- (h) Stormwater - A Runoff from rain, snowmelt, or stream of water, including a river, brook

or underground stream.

### SECTION 3. APPLICABILITY

This Chapter applies to all property owners that undertake Projects that discharge or propose to discharge stormwater off their property into the Municipal Storm Drain System of the Town of Milton. This Chapter also applies to property owners that have an Illicit Discharge into the Municipal Storm Drain System of the Town of Milton. To the extent a Project is required to obtain approval from the Milton Conservation Commission pursuant to the Wetland Protection Act (MGL Chapter 131, Section 40) the provisions of this Chapter do not apply.

The following discharges are exempt from this Chapter:

- (a) DPW ice and snow control operations;
- (b) Flow resulting from fire fighting activities;
- (c) Natural flow from riparian habitats and wetlands;
- (d) Dye testing, provided verbal notification is given to the DPW prior to the time of the test;
- (e) Non-stormwater discharge permitted under an NPDES permit 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,
- (f) Projects that commenced prior to the effective date of this Bylaw provided they are completed within one year from such effective date.

The following discharges are exempt from Chapter 21 provided they do not significantly increase pollutant loads to the Municipal Storm Drain System:

- (g) Waterline flushing;
- (h) Flow from potable water sources;
- (i) Uncontaminated groundwater or uncontaminated pumped groundwater;
- (j) Water from exterior foundation drains, footing drains, crawl space pumps, or air conditioning condensation;
- (k) Water from sump pumps and other pumps that remove floodwaters from basements;
- (l) Water discharge from irrigation or watering of lawns, trees, landscaping, and gardens;
- (m) Water from property management activities including washing walkways, patios, house siding, windows, vehicles garaged at that property, or similar property management activities;
- (n) Discharge from de-chlorinated 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.

### SECTION 4. STORMWATER MANAGEMENT REQUIREMENTS

All Projects shall prevent the discharge of polluted stormwater to the Municipal Storm Drain System of the Town. Projects involving either clearing of more than 7,500 square feet of land or stockpiling more than 100 cubic yards of excavate or fill shall:

- (a) Notify DPW in writing of the date and nature (including a sketch) of the proposed project at least 30 days prior to commencement of site clearing or stockpiling activities;
- (b) Implement measures to prevent the offsite discharge of sediment;
- (c) Control wastes to prevent discharge of stormwater contacting the wastes;
- (d) Implement other stormwater management measures at the direction of the DPW;
- (e) Implement a program of inspection and maintenance to ensure proper operation of stormwater management measures; and,
- (f) Provide additional stormwater-related information at the request of DPW.

In addition to the requirements of subparagraphs (a) through (f), Projects clearing more than one acre of land or stockpiling more than 1000 cubic yards of excavate or fill shall also prepare and submit to DPW for approval an Erosion and Sedimentation Control Plan including the following elements:

- (g) Name, address and telephone number of the owner and person responsible for implementation of the plan and for proper inspection and maintenance of erosion and sedimentation controls;
- (h) One or more plans depicting property lines, existing and proposed topography in one-foot increments, boundaries of wetlands and natural or artificial water storage or conveyance structures, and location of all existing and proposed buildings and impervious surfaces;
- (i) A narrative description of proposed erosion control measures and sedimentation control measures;
- (j) Location and design details of erosion and sediment control measures proposed to prevent off-site sediment transport during construction;
- (k) A locus map showing the site in relationship to the surrounding area's watercourses, water bodies and other significant geographic features, and roads and other significant structures;
- (l) A plan showing the extent of clearing, construction equipment access and storage areas, and material laydown and soil stockpile areas;
- (m) A construction schedule including estimated dates for initiation and completion for such tasks as clearing and grading, construction of utilities and infrastructure, construction of buildings, and final grading and landscaping; and,
- (n) A written program of documented inspections of stormwater management systems and a corrective action program for identified deficiencies.

In addition to the requirements of subparagraphs (a) through (n), Projects clearing more than one acre of land shall prepare and submit to DPW for approval a Stormwater Management Plan prepared by a Registered Professional Engineer or a Registered Land Surveyor, including the following elements:

- (o) Drainage area map showing drainage area and stormwater flow paths;
- (p) Location of all existing and proposed stormwater utilities including structures, pipes, swales and detention basins;
- (q) Topographic survey showing existing and proposed contours in one-foot intervals;
- (r) Soil permeability data for areas where infiltration stormwater management systems will

- be installed;
- (s) Description of all watercourses, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
- (t) Delineation of 100-year floodplains, if applicable;
- (u) Groundwater levels at the time of probable high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration;
- (v) Location of any existing and proposed easements to be used for stormwater management;
- (w) Calculations necessary to prove that the project will not increase peak stormwater flows off site;
- (x) A narrative description of proposed measures for permanent management and treatment of stormwater;
- (y) Structural details for all components of the proposed drainage systems and stormwater management facilities; and,
- (z) A written program of documented inspections and maintenance of the stormwater management systems and a corrective action program for identified deficiencies.

All projects subject to this Bylaw shall comply with the Stormwater Management Policy of the Massachusetts Department of Environmental Protection. The DPW may require any additional information or data which is reasonably necessary to review compliance with this Chapter.

#### SECTION 5. APPLICATION & REVIEW PROCEDURES

The Applicant shall file with the DPW two (2) copies of plans required under Section 4 on forms specified by the DPW. Within 30 calendar days after receiving such plans, the DPW shall, in writing:

- (a) Approve the plans as submitted and issue a permit;
- (b) Approve the plans subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Chapter, and issue a permit subject to these conditions;
- (c) Disapprove the plans, specifying the reason(s) and procedure for submitting a revised application and/or submission; or
- (d) Request additional information or data.

Failure of the DPW to act on an original or revised plan within 30 calendar days of receipt shall authorize the applicant to proceed in accordance with the plan as filed unless such time is extended by agreement between the applicant and the DPW.

#### SECTION 6. ENFORCEMENT

The Board of Selectmen or an authorized agent of the Board of Selectmen shall enforce this Bylaw and any regulation, decision, permit or order issued under this Bylaw and may pursue all civil and criminal remedies for such violations. Any property owner who violates any provision of this Bylaw, or of any regulation, decision, permit or order issued pursuant to this Bylaw shall be punished by a fine of not more than \$25. Each day or portion thereof during which a violation continues shall constitute a separate offense. If the property owner violates more than one provision of this Bylaw or any condition of an approval issued hereunder, each provision, or condition, so violated shall constitute a separate offense.

If in the estimation of the Board of Selectmen, corrective work is required to protect the environment, and the property owner fails to perform said corrective work within a reasonable period of time as set by the Board of Selectmen, the Board of Selectmen may order the same to be performed by a party to be determined by the Board of Selectmen. The property owner shall be required to reimburse the Town for all costs incurred. These costs will be in addition to the fines described above.

This Bylaw may be enforced pursuant to Massachusetts General Laws, Ch. 40, Sec. 21D by a Town police officer or other officer having police powers. Fines issued and costs assessed by the Board of Selectmen shall constitute a municipal lien upon the property and shall accrue interest as provided by applicable law. Upon request of the Board of Selectmen, Town Counsel shall take legal action as may be necessary to enforce this Bylaw and permits issued pursuant to it. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board of Selectmen, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties and may make or cause to be made such examinations, surveys or sampling as the Board of Selectmen deems reasonably necessary. The decisions or orders of the Board of Selectmen shall be final. Further relief shall be to a court of competent jurisdiction.

#### SECTION 7. SEVERABILITY

The provisions of Chapter 21 are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any property owner, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of said bylaw, to the extent permitted by law.

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## **CHAPTER 22 DEMOLITION OF HISTORICALLY SIGNIFICANT BUILDINGS.**

## 1. **Intent and Purpose**

This Chapter is adopted for the purpose of protecting the historic and aesthetic qualities of the Town of Milton by preserving, rehabilitating or restoring whenever possible, buildings which constitute or reflect distinctive features of the architectural or historical resources of the town, thereby promoting the public welfare and preserving the cultural heritage of the community.

## 2. **Definitions**

For the purposes of this Chapter 22, the following words and phrases shall have the following meanings:

Commission: The Milton Historical Commission

Commissioner: The Building Commissioner of the Town of Milton

Demolition permit: A permit issued by the Commissioner for demolition or removal of a building. Historically significant building: Any building which is (a) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic, or social history of the Town of Milton, the Commonwealth of Massachusetts or the United States of America, or (b) is historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings.

Preferably preserved building: Any historically significant building, which, because of the contribution made by such a building to the town's historical and/or architectural resources, is in the public interest to preserve, rehabilitate or restore.

## 3. **Regulated Buildings**

- A. The provisions of Chapter 22 shall not apply to any building which is owned by the Town, it's departments, boards or commissions.
  - (i) A building listed on the National Register of Historic Places or the State Register; or which has been found eligible for listing on the National Register; or
  - (ii) Any building which in whole or in part was built prior to and including 1919.
- B. The provisions of Chapter 22 shall not apply to any building concerning which the Building Commissioner has issued a "Notice of Unsafe Building" prior to the passage of this Article and for which a demolition permit application has been filed with the town.

## 4. **Procedure**

- A. The building commissioner shall forward a copy of each demolition permit application for a regulated building to the Commission within seven (7) days of the filing of such application. No regulated building shall be demolished without a demolition permit application being filed and a demolition permit issued. The

application shall specify whether the building is regulated.

- B. Within forty-five (45) days from its receipt of a demolition permit application the Commission shall determine whether the building is an historically significant building. The applicant for the permit shall be entitled to make a presentation to the Commission if the applicant so chooses. If the Commission determines that the building is not historically significant, the Commission shall so notify the Building Commissioner in writing and the Building Commissioner may issue a demolition permit. If the Commission determines that the building is historically significant, the Commission shall notify the Building Commissioner in writing that a demolition plan review must be made prior to the issuance of any demolition permit. If the Commission fails to notify the Building Commissioner of its determination within forty-five (45) days of its receipt of the application, then the building shall be deemed not historically significant and the Building Commissioner may issue a demolition permit.

## 5. **Demolition Plan Review**

- A. Not more than sixty (60) days after the Commission's determination that the building is historically significant, the applicant for the permit shall submit to the Commission four (4) copies of a demolition plan which shall include the following information:
  - (i) A map showing the location of the building to be demolished on its property with reference to neighboring properties. (A zoning map shall be sufficient);
  - (ii) Photographs of all facade elevations;
  - (iii) A description of the building to be demolished;
  - (iv) The reason for the proposed demolition and data supporting said reason, including if applicable, any economic justification for demolition;
  - (v) A brief description of the proposed reuse of the property on which the building to be demolished is located.
- B. After public notice, the Commission shall hold a public hearing with respect to the application for a demolition permit. Public notice of the hearings shall provide the time, date and place of the hearing and the address of the property to be considered at the hearing. Public notice shall require posting with the town clerk and notice in a newspaper of general circulation in the town, and notification to the building commissioner, to the town planner, to the applicant, to the owners of all abutting property and to other property owners deemed by the commission to be materially affected not less than seven (7) days prior to the date of said hearing. The applicant shall pay in advance for advertising and notification costs. Failure to make payment on request shall toll the running of time required for the Commission's report until payment is made.
- C. Within sixty (60) days from its receipt of the demolition plan, the Commission shall file a written report with the Building Commissioner which shall include the following:
  - (a) A description of the age, architectural style, historical associations

and importance of the building to be demolished;

(b) A determination as to whether or not the building is a preferably preserved building.

D. If the building is not determined to be a preferably preserved building or if the Commission fails to file its report with the Building Commissioner within the sixty days, then the Building Commissioner may issue a demolition permit.

E. If the building is determined to be a preferably preserved building; then the Building Commissioner shall not issue a demolition permit for a period of nine (9) months from the date the Commission's report is filed with the Building Commissioner unless the Commission informs the Building Commissioner prior to the expiration of such nine (9) month period that the Commission is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building who is willing to preserve, rehabilitate or restore the building under consideration. The Commission reserves the right to specify reasonable conditions regarding the disposal of parts or portions of the building or property to be demolished.

## 6. **Emergency Demolition**

If a regulated building poses an immediate threat to public health or safety due to its deteriorated condition, the owner of such regulated building may request the issuance of an emergency demolition permit from the Building Commissioner. As soon as practicable, after receipt of such a request, the Building Commissioner shall arrange to have the property inspected by himself, the Fire Chief (or designee) and a member of the Historical Commission (or designee). After inspection of the building the Building Commissioner shall determine whether the condition of the building represents a serious and imminent threat to public health and safety and whether there is any reasonable alternative to immediate demolition. If the Building Commissioner determines there is a serious and imminent threat to public health and safety, then the Building Commissioner may issue an emergency demolition permit. Nothing in Chapter 22 shall be inconsistent with the procedures for the demolition and/or securing of buildings established by M.G.L. Chapter 143 § 8-10.

## 7. **Non-Compliance**

Anyone who demolishes a regulated building without first obtaining, and complying fully with the provisions of a demolition permit in accordance with this chapter shall be subject to prosecution in the District Court which may impose the maximum fine allowable by law. In addition, the Building Commissioner shall not issue a building permit pertaining to any property on which a regulated building identified in Section 3 has been demolished without compliance with this chapter for a period of two (2) years from the date of demolition.