

**TOWN OF DRACUT
BY LAWS**

CHAPTER 1

REVISED BY LAWS:

Section 1 - The following provisions shall constitute the "Revised By-Laws" of the Town of Dracut which shall be in lieu of all By-Laws heretofore in force, which are in conflict with these By-Laws, and such conflicting By-Laws are hereby repealed.

Section 2 - The repeal of a By-law shall not thereby have the effect of reviving any By-Law theretofore repealed.

Section 3 -These By-Laws may be altered or amended at any Annual Town Meeting by a majority vote. Any proposed amendment however, must appear in full in the Warrant for such meeting.

Section 4 - Whoever violates any of the provisions of these By-Laws shall be punished by a fine in accordance with the provisions of Massachusetts General Law, chapter 40, Section 21 except in those instances where the statues provide for a more severe penalty; or in such instances as the specified penalty is mentioned for the violations of the particular By-Law.

Where not mentioned or set by statue, the following schedule shall apply:

First Offense	\$100.00
Second Offense	\$200.00
Third and Subsequent Offense	\$300.00

Section 5 - Whoever violates any of the provisions of these By-Laws shall be punished by a fine of not more than Twenty Dollars, except in those instances where the statues provide for more severe penalties.

Section 6 - The Town Clerk shall be charged with the codification of the Town By-Laws, and will from time to time, as necessary, place those By-Laws, passed by the Town, in such order as to provide optimum access. The Clerk shall be authorized, without further vote of the Town Meeting, to maintain codification as determined by him/her.

**TOWN OF DRACUT
BY LAWS**

CHAPTER 1 (Cont'd)

The Town shall provide necessary funds to codify and such appropriations shall be set annually by the Town Budget process. Codification will not change the existing or proposed By-Laws as they are passed. This By-Law shall authorize the Town Clerk only, to assign proper sections and maintain an updated index and section of contents as determined by him/her.

Section 7 - It shall be the duty of the Police Department to secure the observances of the Town By-Laws and authority is hereby granted to any constable or police officer to prosecute for the violation of said By-Laws.

AMENDMENTS - CHAPTER 1:

- Section 4** - Amended - Article 17, November 18, 1987
- Section 6** - Added - Article 18, November 18, 1987

**TOWN OF DRACUT
BY LAWS**

CHAPTER 2

ELECTION/TOWN MEETING

Section 1 - The Annual Town Meeting for the election of Town Officers shall be held on the first Monday in May of each year.

Section 1A - The Annual Town Meeting of November shall be held on the First Monday of the Month except when such date shall conflict with a holiday, in such instance the Annual Town Meeting of November shall be on the second Monday of November.

Section 2 - The Selectmen shall designate the hours during which the polls shall be open.

Section 3 - Notice of every Town Meeting shall be given by posting attested copies of the warrant therefore at each of the polling places within the Town and the Town Office, not less than eight days before the day fixed for such meeting.

Section 4 - At least three days before the day fixed on the Warrant for any Special Town Meeting, the Selectmen shall cause a notice of the meeting to be advertised in at least one newspaper having circulation in Dracut.

Section 5 - As soon as practicable after the adjournment of any Town Meeting on a vote to adjourn to another day, the Town Clerk shall cause a notice a brief statement of the day and hour to which the adjournment was voted to be posted at each of the polling places within the Town and at the Town Office. In addition, the Town Clerk, when determined by him/her to be possible, shall cause a similar notice to be advertised in at least one newspaper having circulation in Dracut.

Section 6 - Copies of the Warrant and of the report of the Finance Committee thereon shall be made available to the voters at all Town Meetings.

Section 7 - The Selectmen shall appoint tellers, who shall permit only registered voters to enter upon the floor at the Annual or any Town Meeting. The public may enter with special written permission from the Moderator.

**TOWN OF DRACUT
BY LAWS**

CHAPTER 2 (Cont'd)

Section 8 - Articles of the Warrant shall be acted upon in the order in which they appear unless otherwise determined by vote of the meeting.

Section 9 - All motions having to do with the expenditures of money shall be presented in writing. Other motions shall be in writing if so desired by the Moderator.

Section 10 - If a motion is susceptible of division, it shall be divided and the question shall be put separately upon each part thereof, if twenty voters so request.

Section 11 - When a question is before the meeting, the following motions, namely: to adjourn: to lay on the table: for the previous questions: to postpone to a time certain: to commit, recommit, to refer: to amend, to postpone indefinitely: shall be received and shall have precedence in the foregoing order: and the first three shall be decided without debate.

Section 12 - On proposed amendments involving sums of money, the larger or largest amount shall be put to a question first and an affirmative vote thereon shall be a negative vote on any small amount.

Section 13 - Any person who is employed as an attorney by another interested in any matter under discussion at a Town Meeting shall disclose the fact of his employment before speaking thereon.

Section 14 - When a question is put, the sense of the meeting shall be determined by the voice of the voters and the Moderator shall declare the vote as it appears to him. If the Moderator is unable to decide the vote by the sound of voices or if his decision is immediately questioned by seven or more voters rising in their places for that purpose he shall determine the vote by ordering a show of hands and he may appoint tellers to make and return the count.

Section 15 - The meeting may order that the vote on any motion shall be taken by a "Yes" or "No" ballot, with the use of our official check list and at any other time when so ordered by the Moderator.

**TOWN OF DRACUT
BY LAWS**

CHAPTER 2 (Cont'd)

Section 16 - No person shall speak more than once on any question to the exclusion of any other person who may desire to speak thereon, nor more than twice without first obtaining permission of the meeting, except , in this case, for the brief correction of an error in or misunderstanding of his previous statement.

Section 17 - No person shall speak for more than five minutes on any question unless his time shall be extended by vote of the meeting.

Section 18 - No vote shall be reconsidered except upon notice of motion for that purpose given publicly in the meeting within one hour after such vote has been passed. At the time such notice is given, the Moderator shall announce it to the meeting. Any voter may give such notice and make such motion to reconsider, which to prevail must receive a two-thirds vote. No vote shall be twice reconsidered.

Section 19 - All Committees shall report as directed by the Town. If no report is made within one year after its appointment, the Committee shall be discharged unless, in the meantime, the Town shall have granted an extension of time.

Section 20 - No motion the effect of which would be to dissolve the meeting, shall be in order until every article in the warrant therefore has been duly considered and acted upon, but this shall not preclude the postponement or consideration of any article to adjournment of the meeting at a stated time and place.

Section 21 - Such elective Town Officers as are not required to be chosen by ballot shall be elected by a voice vote unless the meeting at which they are to be chosen determines otherwise.

Section 22 - The duties of the Moderator not prescribed by statute and by these By-Laws, shall be determined by Parliamentary Rules as laid down in "**Town Meeting Time**" or "**Roberts Rules of Order**" so far as they may be adapted to Town Meetings.

**TOWN OF DRACUT
BY LAWS**

CHAPTER 2 (Cont'd)

Section 23 - On matters requiring a two thirds vote by statute, a count need not be taken unless the vote so declared is immediately questioned by seven or more voters as provided in General Laws, Chpater 39, Section 15.

AMENDMENTS - CHAPTER 2:

- Section 1** - Amended - Article 44, March 9, 1974 Town Meeting
- Section 1A** - Added - Article 7, Nov. 2, 1992 Town Meeting
- Section 1A** - Amended - Article 31, June 1, 1998 Town Meeting
- Section 1A** - Amended - Article 15, October 7, 2002 Town Meeting
- Section 2** - Amended - Article 45, March 9, 1974 Town Meeting
- Section 2** - Amended - Article 46, June 8, 1978 Town Meeting
- Section 2** - Amended - Article 63, June 8, 1981 Town Meeting
- Section 2** - Deleted - Article 13, Nov. 5, 1990 Town Meeting
- Section 22**- Amended - Article 59, March 12, 1966 Town Meeting
(was section 23)
- Section 23** - Added - Article 3, October 4, 1999

**TOWN OF DRACUT
BY LAWS**

CHAPTER 3

GENERAL:

Section 1 - The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law or these By-Laws.

Section 2 - It shall be the duty of the Town Clerk, within one month after every Town Meeting to notify in writing all members of committees who may be elected to or appointed at such meeting, stating the business upon which they are to act and the names of the persons composing the committees.

Section 3 - Upon the institution of any suit or any claim filed against the Town, the Selectmen, by Counsel, may appear answer: but in any case involving more than **Five Hundred Dollars** they shall procure instruction from the Town by vote before any settlement or final disposition of the matter.

Section 4 - The Selectmen shall keep a record of all bills disapproved by them and no such bills shall receive consideration by any subsequent board unless authorized by a special vote of the Town.

Section 5 - The Selectmen shall each year within ten days after the annual election of Town Officials, appoint some Attorney-at-law as Town Counsel, who shall serve for the term of one year or until his successor is appointed: he shall receive for his services such compensation as the Selectmen may determine and may be removed at any time by a majority vote of said board.

Section 6 - The Town Counsel shall draw, supervise the drawing or approve all contracts, deeds, bonds and other legal instruments relating to the Town: he shall give legal advice and furnish a written opinion when so requested by any Town Officer, Board or Committee, regarding any legal question or matter relating to their duties and represent the Town in all legal matters.

Section 7 - The Board of Selectmen may appoint an Executive Secretary of the Board of Selectmen for a term of three years, as authorized in Chapter 145 of the Acts of 1956.

**TOWN OF DRACUT
BY LAWS**

CHAPTER 3 (Cont'd)

Said Executive Secretary shall be given no powers or duties other than those delegated to him by the Board of Selectmen, or with the concurrence of the Selectmen by any other Town Office or position with duties consistent to those of his own office either by the Selectmen or with their consent, by the appropriate office, Board or Committee. He may not during his term of office, hold any elective position. Total compensation payable to him in his several capacities shall be determined by the Board of Selectmen, subject to the appropriations of the Town.

Section 8 - All articles for inclusion in the Warrant for the Annual Town Meeting must be submitted to the Board of Selectmen no later than the third Tuesday of December preceding said Town meeting.

Section 9 - The Board of Selectmen shall appoint an Inspector of Wires, pursuant to provisions of the General laws, Chapter 166, Section 32.

AMENDMENTS - CHAPTER 3:

Section 8 - Amended - Article 55 - Annual Town Meeting,
May 18, 1976

Section 8 - Amended - Article 64 - Annual Town Meeting,
June 8, 1983

Section 10 - Added - Article 14 - Annual Town Meeting,
May 9, 1983

**TOWN OF DRACUT
BY LAWS**

CHAPTER 4

FINANCE COMMITTEE

Section 1 - A Finance Committee consisting of seven members appointed by the Moderator as hereinafter provided. There shall be

at least one member from each precinct and no more than 1/3 of the members of the Finance Committee Board shall come from one precinct. No elective. or appointive Town Officer or Town employee shall be eligible to serve on said Committee.

Section 2 - The Moderator of the Town Meeting shall, within thirty days after the by-law becomes effective, appoint two members for a term of one year, two members for terms of two years, and three members for terms of three years. At each Annual town Meeting thereafter, the Moderator thereof shall appoint the members of said Committee for terms of three years, members shall commence immediately upon qualification and shall expire at the close of final adjournment of the annual town Meeting at which their successors are appointed. Said Committee shall choose its own officers and shall serve without pay, and it shall cause to be kept a true record of its proceedings.

Section 3 - The said Committee shall fill any vacancy which may occur in its membership, by vote, attested copy of which shall be sent by the Secretary to the Town Clerk. If any member is absent from five consecutive meetings of said Committee, except in case of illness, his position shall be deemed to be vacant and shall be filled as herein provided. The term of office of any person so chosen to fill a vacancy shall expire at the final adjournment of the next succeeding Annual town Meeting, and the Moderator thereof, shall appoint his successor to complete the unexpired term of the member in whose office such vacancy originally occurred.

Section 4 - All articles calling for the expenditures of money, in any warrant for a Town Meeting shall be referred to the Finance Committee for its consideration. The Selectmen after drawing such Warrant shall transmit immediately a copy thereof to each member of said committee. Said committee shall, after due consideration of the subject matter of such articles, report

**TOWN OF DRACUT
BY LAWS**

CHAPTER 4 (Cont'd)

thereon to the Town meeting, such recommendation as it deems best for the interest of the Town and its citizens.

Section 5 - It shall be the duty of the Finance Committee annually to consider the expenditures in previous years and the estimated requirements for the ensuing year of the several Boards, Officers and Committees of the Town , as prepared by them in such form and detail as may be prescribed by said Committee.

The said Committee shall add to such statement of expenditures and estimates another column, giving the amounts which in its opinion should be appropriated for the ensuing year, and shall further add thereto such explanations, and suggestions relating to the proposed appropriations as it may deem expedient and shall report their recommendations to the Town Meeting.

Section 6 - In the discharge of its duty, said Committee shall have free access to all books of record and accounts, bills and vouchers on which money has been or may be paid from the Town Treasury. Officers, Boards and Committees of the Town shall, upon request furnish said Committee with facts, figures and any other information pertaining to the several activities.

Section 7 - It shall be the duty of the Finance Committee to make an annual report of its doings, with recommendations relative to financial matters and the conduct of Town business, to be contained in the Annual Town Report.

Section 8 - All sections and categories in a given budget are to be added to a total figure and said total figure will be voted on in one given motion, if agreed to jointly between the Finance Committee, Department Head and Town Accountant.

TOWN OF DRACUT
BY LAWS

CHAPTER 4 (Cont'd)

AMENDMENTS - CHAPTER 4:

- Section 1 - Amended - Article 58, Annual Town Meeting,
March 13, 1971
- Section 2 - Amended - Article 59, Annual Town Meeting,
March 13, 1971
- Section 8 - Amended - Article 34, Annual Town Meeting,
May 16, 1983
- Section 8 - Added - Article 53, Annual Town Meeting, May 5, 1982

**TOWN OF DRACUT
BY LAWS**

CHAPTER 5

FINANCIAL/MISC:

Section 1 - An audit of the accounts of the Town shall be made annually under the supervision of the State Division of Accounts, as provided by Section 35 of Chapter 44 of the General Laws.

Section 2 - Each Officer, Board or Committee authorized to spend money shall, on or before Tuesday preceding the last Thursday of each "Fiscal" year, transmit to the Town Accountant all unpaid bills outstanding as of that date.

Section 3 - Except as otherwise provided by law, the Treasurer shall have custody of deeds, bonds, contracts, insurance policies and other similar documents owned by the Town, except that the bonds given by the Treasurer and the Collector of Taxes to the Town shall be in the custody of the Selectmen.

Section 4 - Every Officer shall pay into the Treasury of the Town all amounts received by him on behalf of the Town, except as otherwise provided by law, and shall make a true return thereof to the Town Accountant stating the accounts upon which such amounts were received.

AMENDMENTS - CHAPTER 5:

Section 2 - Amended - Article 89, Annual Town Meeting,
May 14, 1975