TOWN OF DRACUT

Incorporated February 26, 1701

BY LAWS

With Amendments through November 1, 2013 Annual Town Meeting

Prepared by the Dracut Town Clerk's Office
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TOWN OF DRACUT
BY LAWS

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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of all By-Laws heretofore in force, which are in conflict with these By-Laws, and such conflicting By-Laws are hereby repealed.

Section 2 - The repeal of a By-law shall not thereby have the effect of reviving any By-Law theretofore repealed.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

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

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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
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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.

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 statue 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.

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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.

Section 24 - A Quorum of 200 shall be required to conduct business at the first Monday of November Town Meeting and subsequent nights thereafter unless otherwise provided by future Bylaw and shall be primarily concerned with general Bylaws, Zoning Bylaws, and matters not having a fiscal effect on the Town.

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
Section 24 - Added - Article 8, November 2, 2010 Town Meeting

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.

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
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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

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.

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.

Section 5 - Water and Sewer bills issued by the Town shall be due and payable thirty (30) days after the issuance and thereupon, if not paid, shall be charged interest at the prevailing rate of interest for tax bills as allowed by Massachusetts General Law.

AMENDMENTS - CHAPTER 5:

Section 2 - Amended - Article 89, Annual Town Meeting, May 14, 1975
Section 5 - Added - Article 1, Annual Town Meeting, November 2, 1992 (MGL Ch 40, S21E)

TOWN OF DRACUT
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CHAPTER 6

BIDS

Section 1 - 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 financial interest.

Section 2 - Every contract exceeding $1,000.00 shall be accompanied by a suitable bond for performance of the same, or by the deposit of money or security to the amount of such bond is so requested by the Officer or Board authorized to make the contract.

TOWN OF DRACUT
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CHAPTER 7

ANNUAL TOWN REPORT

Section 1 - The Selectmen, or the Town, may direct that the Assessor's Valuation List, the By-Laws and standing votes of the Town and rules and regulations adopted by any Officer, Board or Committee be printed, either separately or as a part of the Annual Town Report.

Section 2 - All reports to be included in the Town Report shall be submitted in writing to the Selectmen on or before the fifteenth day of January of each year.

Section 3 - The Selectmen per Chapter 7, Section 3 of the Town By-Laws and Article 3 Section 2B of the Town Charter, will direct the Town Manager to make available to the citizens of the Town a minimum of "2000 Annual Town Reports". This printed Town Report to be made available to the citizens of Dracut by no later than one week prior to the ANNUAL TOWN MEETING, this article to take effect no later than May of 1995 and yearly thereafter.

THE ANNUAL REPORT WILL PROVIDE THE FOLLOWING:

1. A list of all Town Boards and Officials serving thereon, including expiration dates of their appointed or elected terms.

2. The results of each vote on every article presented for consideration at the previous Annual and Special Town Meetings.

3. A listing by name of all Town Employees, and where applicable, amounts for overtime, special details, sick leave.

4. Under Item 3 above, the Town's share, per employee, of any and all other benefits paid.

5. Receipts from all sources and where such funds were expended for the fiscal year ended.

CHAPTER 7 (Cont'd)

6. Amounts of all federal, state, and other such funds received and where such funds were expended.

7. Tables of town debts, when acquired, expiration dates, annual payments needed to be raised and appropriated per year.

8. Balance Sheet for the fiscal year ending.

9. Budget estimates, by departments and by line items, and list to show amounts appropriated for the two previous fiscal years; amount requested for the next fiscal year along with any Finance Committee recommendations available at time report is submitted for printing.

10. List of all other warrant articles to be acted on, again with recommendation of the Finance Committee as above.

11. A list of payment(s) made to persons or businesses exceeding $900.00 in accordance with Chapter 7, Section 3 of the Town By-Laws.

12. A report from the Town manager on his accomplishments of the year and his plans for the following year.

AMENDMENTS - CHAPTER 7:

Section 2 - Amended - Article 88 - Annual Town Meeting, May 14, 1975
Section 2 - Amended - Article 66 - Annual Town Meeting, June 8, 1981
Section 3 - Amended by adding - Article 7 - Annual Town Meeting, November 8, 1993
Section 8 - Added - Article 57 - Annual Town Meeting, May 5, 1982

TOWN OF DRACUT
BY LAWS

CHAPTER 8

STREET ACCEPTANCE

Section 1 - Notwithstanding Massachusetts General Laws regarding the Board of Selectmen's requirements for street acceptance; all streets to be accepted by the Town shall follow the rules and regulations of the Planning Board. The requirements for street acceptance, as filed with the Planning Board shall be in accordance with the rules and regulations of the Planning Board. The regulations of the Planning Board shall be filed in accordance with the Dracut Town Charter. Further, all streets shall be constructed as to comply with the Town's Construction Standards Manual, unless the construction of the street was prior to the established standards. In such instances the conditions for acceptance shall be covered by the rules and regulations of the Planning Board with the recommendations of the Engineering Department and the Director of Public Works Department.

Section 2 - No person owning or controlling any property abutting upon two or more intersecting ways in the Town of Dracut shall construct or maintain any fence or other structure other than a building or plant growth or maintain any hedge, trees, or other shrubbery of a height more than three and one-half feet above the level of the adjoining way and within thirty-five feet of the nearest point of the intersection of such way, so that the same will not obstruct the open view of travelers on each abutting way within said distance of thirty-five feet.

Section 3 - This by-law shall become effective upon its approval by the Attorney General of the Commonwealth of Massachusetts.

Section 4 -
a. It shall be unlawful for the operator or person in charge of any vehicle, other than acting in an emergency, to park said vehicle on any public street on any day, between the hours of 12 midnight and 6 a.m., between December 1st and March 15th.
b. For any violation of the provisions of Section a., an offender may be punished by a fine not exceeding $10.00 (Ten Dollars).

CHAPTER 8 (Cont'd)

c. On or about December 1st of each year, the Highway Surveyor shall cause a copy of the foregoing two sections to be published in at least one newspaper having circulation in Dracut.

AMENDMENTS - CHAPTER 8:

Section 1 - Added - Article 6 - Annual Town Meeting, November 5, 1990
Section 3 - Original Street Acceptance By-Law, - Article 59 Annual Town Meeting, March 7, 1953
Section 4 - Amended - Article 5 - Annual Town Meeting, March 12, 1949

TOWN OF DRACUT
BY LAWS

CHAPTER 8A

STREETS AND SIDEWALKS

Section 1 - Permit

1.1 No person or individual, corporation or other type of entity shall open a trench in, or disturb the surface of any existing street or way, or any proposed way or street in a proposed subdivision, for any of the following purposes, but not restricted thereto, of installing, repairing, and/or maintaining any duct, conduit, sleeve, pipe or other structure to be used for the distribution of transmission of wasterwater or sewage, surface or storm water, potable water, brook or water course, gas, oil or any of its by-products in any form, electrical power or service, telephone or telegraph service, until a permit therefor is granted by the Sewer Commissioners and Highway Surveyor except in an emergency as determined by the Highway Surveyor. This by-law does not apply to the placing or replacing of poles.

1.1.1. In those instances of proposed way or streets in subdivisions under construction, the Highway Surveyor is hereby empowered to authorize the Town Engineer to issue permits and to exercise any and all duties hereinafter granter to the Highway Surveyor under this by-law until the subdivision is completed.

1.1.2 In those instances of proposed ways or street not in a subdivision under construction, the Highway Surveyor is hereby empowered to authorize the Town Engineer to issue permits and to exercise any and all duties hereinafter including, but not limited to, the requirements that the applicant post security in the form of a 100% performance bond to guarantee completion of the project.

1.2 Permits will be issued only in accordance with this by-law to the owners of the Utility or the Utility Company by whom the utility installation is wanted,or others as described in Paragraph 1.1 or to their duly authorized agents only: no permit shall be issued to the contractor. All work covered by permit shall commence within one (1) month of date of issuance of permit and be pursued diligently until completed. Time of completion shall be stated in permit and upon expiration of said time a new

permit will have to be issued under conditions and terms as required by this by-law and its amendments in effect at the renewal date. For the purpose of this by-law a CATV company or corporation shall be considered a Utility.

1.3 The owners of the Utility and/or Utility Company or others, as described in Paragraph 1.1, shall exercise this permit subject to all the rules and regulations made from time to time by the State Department of Public Safety, Department of Public Works, and the Department of Public Utilities, and nothing in this permit shall be construed as authorizing any installations or maintenance thereof except in strict conformity with all federal, state and municipal laws, ordinances, By-Laws and regulations.

1.4 No work shall begin or continue on any street or way unless the permit, legally and duly issued, or a duplicate copy, be on site of the work and shall be shown to any police officer or other authorized municipal person upon request thereby. A legally and duly issued permit shall be a permit which states the name and business address of the applicant, a specific date of issuance, a specific date of completion and a general description of the work to be done that is signed by not less than two (2) Sewer Commissioners and the Highway Surveyor.

1.5 All applications for any permit shall be in quadruplicate. All applications and work to be done under any permit issued must meet with the approval of the Sewer Commissioners majority and Highway Surveyor, or a unanimous vote of the Commissioners.

1.6 If, during the progress of the work to be done, under the initial permit, any existing duct, conduit, sleeve, pipe or other structure used for the distribution or transmission of wastewater or sewage surface or storm water, potable water, brook or water course, gas, oil or any of its by-products in any form, electrical power or service, telephone or telegraph service, is encountered and must be relocated and/or modified in any way so that the work will function properly and as intended upon completion, a separate legally and duly issued permit must be obtained for each proposed relocation and/or modification.

1.7 All applications for any permit shall be accompanied by a certified check payable to the Town of Dracut in the amount based on per lineal foot. If work is to be done on more than one (1) way of street, a separate legally and duly issued permit must be obtained for each way or street. Permits required under Paragraph 1.6 and the first renewal of any legally and duly issued permit are not subject to the application fee as provided for in this Paragraph. Failure of work to commence within one (1) month of the date of issuance automatically voids the permit and will result in forfeiture of the ten percent (10%) of the application fee to the Town of Dracut.

1.8 All outstanding permits, issued by the Board of Selectmen, Highway Surveyor, Sewer Commissioners or any other Town governmental Board, Committee or body which has and/or had authorization to issue permits to open a trench in, or disturb the surface of, any existing and/or proposed way or street, that have not been exercised either in whole or in part, prior to this by-law being adopted by the Town and filed with the Secretary of State and/or Attorney General of the Commonwealth of Massachusetts to be effective, shall be void.

Section 2 - Plans, Surveys, Measurements and Control

2.1 Prior to the issuance of a permit all of the following requirements must be rigidly observed. Any application for a permit under this by-law shall be accompanied with the following:

2.1.1 A separate sheet, 24" x 36" in size, for each street or way to be included within the proposed work, said sheet to show a plan view with north point, and profile of the street or way at a horizontal scale of forty (40) feet to an inch and a vertical scale of four (4) feet to an inch, with existing center line grades, in fine solid lines with existing elevations, derived from actual field survey, at fifty (50) foot stations shown by figures. Said plan view of the proposed work and installation shall show location of work in reference to existing utilities and structures, i.e. sanitary sewers, storm sewer and drain, water mains, any locatable utility installations, and their

appurtenances, easements, property and street right of way lines, bounds, and/or property markers, and other necessary physical features such as curb lines, sidewalks, water gates, gas gates, utility poles and trees of diameter greater than six (6) inches. Said profile of the proposed work and installation shall show location of the work in reference to existing utilities and structures, i.e. sanitary sewers and drains, water mains, any locatable utility installations, and their appurtenances. Both plan view and profile shall extend at least two hundred fifty (250) feet beyond the end limits of the proposed work and installation. All information pertaining to existing lines and utilities to be shown in fine lines, all proposed work to be shown in heavy lines. The plan view shall be on the upper portion of the sheet and the profile on the lower portion of the sheet.

2.1.2 Offset lines and/or ties from a locatable or relocatable point must be shown, e.g. bound points and property lines.

2.1.3 Cross sections and/or details of proposed conduits, structures,etc., must be shown. Details and dimensions of outsized structures including manholes and vaults must be shown. All outsized structures including manholes and vaults must be shown. All cross sections and details must be drawn to scale on a separate sheet, 24" x 36" in size.

2.1.4 All vertical control shall be based on the Town of Dracut Datum.

2.1.5 All horizontal control shall be based on the Town of Dracut Coordinate System.

2.1.6 Construction standards as hereinafter detailed must be visually detailed and/or inscribed on the plan view and/or profile.

2.1.7 Each sheet shall be a one and one half (1 1/2) border on the left and a one and one half (1 1/2) inch border along the remainder of the sheet. The lower right hand corner of each sheet shall contain the name of the street or way, type of proposed utility installation, name and address of the applicant

for permit, date, scale, name and address of surveyor, name and address of engineer, and sheet number in a block 4" x 6" in size. If the proposed work and installations involves more than five thousand (5,000) linear feet of street or way, a title sheet, 24" x 36" in size shall be the first sheet of the plans with a locus plan of the work at scale of two thousand (2,000) feet to an inch.

2.1.8 Names of all abutters to the street or way proposed for the work shall be shown on each plan as they appear on the most recent tax list.

2.1.9 Each sheet of the plan shall be signed and stamped by a Registered Professional Engineer with seals of registration for the Commonwealth of Massachusetts. Those portions of the plan representing engineering design shall be prepared by a Registered Professional Engineer.

Said Surveyor Engineer must be requalified with the Sewer commissioners and Highway Surveyor prior to preparation and/or submission of any plans.

2.1.10 A letter size locus plan of work at a scale of two thousand (2,000) feet to an inch, in quadruplicate, must accompany the permit application.

2.1.11 Eight (8) prints, dark line on white background of sheets shall be submitted with the application.

2.2 If deemed necessary by the Sewer Commissioners, Highway Surveyor, or their duly authorized representative, a baseline or centerline of construction for both vertical and horizontal control of the work will be established prior to construction by a Registered Land Surveyor. This baseline or centerline will be shown on final construction plans. No variation from the baseline or centerline of construction is to be made unless written permission is given by the Sewer Commissioners and Highway Surveyor or their duly authorized representative. All plans are to be submitted to the Sewer Commissioners and Highway Surveyor for review prior to issuance of permit.

2.3 When proposed location of installation is in the sidewalk area or in any other location where accuracy of bounds, bound points, property markers, etc., may be jeopardized. The Highway Surveyor shall require that a Registered Land Surveyor locate and property reference tie all such points prior to construction. Upon completion of all construction, the bound points, property markers, etc., will then be checked against the reference ties and any variation of said points will be duly recorded by the Registered land Surveyor. All legible copy of all field notes and ties recorded by the Registered land Surveyor, upon completion of this work, becomes the property of the Highway Surveyor. Original field notes are to be available for examination by duly authorized representatives of the Highway Surveyor, upon request.

2.4 Upon satisfactory completion of the work under permit, as-built drawings shall be submitted to the Sewer Commissioners.

Section 3 - Notification of Commencement

Written notification of one (1) week prior to commencing construction will be required This notification shall be sent to the Highway Surveyor and police Chief, and shall contain the name and address of the Contractor or party which is to perform the work.

Section 4 - Work Hours

4.1 All work to be performed hereunder shall be done between the hours of 7:30 a.m. and 4:30 p.m. provided, however, that different work hours for the performance of such work may be agreed upon or required for good cause by the Highway Surveyor and said requirement shall be stated in writing at the time of issuance of the permit.

4.2 No Saturday, Sunday or legal holiday work will be allowed unless an emergency or accommodating situation arises and permission is given by the Highway Surveyor. Said permission may be granted orally: however, a written confirmation that such permission has been granted shall be made by the Highway Surveyor as soon as practicable thereafter.

4.3 In regard to Saturday, Sunday or legal holiday work the Highway Surveyor shall determine whether an emergency or accommodating situation exists. Emergency is an unforeseen combination of circumstances which calls for immediate action, a pressing necessity.

4.4 No excavation, trenching,etc., shall be allowed in any street or way, accepted or unaccepted or proposed way or street, between November 14 and April 1, except in the case of an emergency, which shall be determined by the Highway Surveyor.

Section 5 - Photographs

5.1 If required by the Sewer Commissioners and/or Highway Surveyor, a sufficient number of photographs must be taken prior to the excavation to serve as reference to insure restoration of designated areas to their former condition.

5.2 The required photographs within the work limits shall be taken prior to the commencement of the work, and shall be of size, type, quality and number as determined by the Highway Surveyor

5.3 All expenses incurred by the requirements of this Section shall be borne by the permittee.

Section 6 - Inspector

6.1 A full time inspector shall be assigned to each trench opening or excavation site in any way or street, accepted or unaccepted, or proposed way or street, by the Highway Surveyor, excepting sewer construction with the inspector being assigned by the Sewer Commissioners.

6.2 The inspector's duties will be as determined by the Highway Surveyor. In general, the inspector will be the Town's agent who will ensure compliance of the work with the provisions of this by-law.

6.3 The inspector will file daily written reports with the Highway Surveyor and a copy to the Sewer Commissioners, and will be responsible for reporting any violation of the provisions of this by-law in said daily written reports.

6.4 Safety and the use of proper construction methods and/or techniques are not the responsibility of the inspector.

6.5 Failure of the Highway Surveyor to assign an inspector to a trench opening or excavation site, on any way or street, accepted or unaccepted, or proposed way or street, does not, in any way relieve the permittee of responsibility of full compliance with the provisions of this by-law.

6.6 The fee and incidental expenses of the inspector shall be borne by the permittee and payable, by check or money order, to the Town of Dracut.

6.7 The permittee is solely responsible for notifying the Highway Surveyor in writing of any scheduled testing or any work under permit at least forty-eight (48) hours continuous hours prior to the time of the scheduled test. Failure of the permittee to do so could result , if deemed necessary by the Highway surveyor, of the re-testing of those portions of the work for which the testing was unobserved by the Highway Surveyor or his duly authorized representative.

Section 7 - Safety

7.1 The permittee shall so prosecute his work that traffic, both pedestrian and vehicular, will be maintained over and through the work with a maximum of safety and convenience.

7.2 Every opening made in a street or way, accepted or unaccepted, or proposed street or way, shall be enclosed with sufficient barriers, sufficiently lighted at night, and posted with the necessary signs to guard the public against all accidents, from the beginning to the completion of the work. The responsibility of maintaining sufficient safety features around the work is solely that of the permittee, and in no way the responsibility of the Town of Dracut.

7.3 Uniformed police shall be present to maintain two-way traffic in the roadway during the hours which work is being done under the permit.

7.3.1 At least one (1) week prior to commencing construction the permittee shall give written notification with all pertinent information regarding the work to the Police Chief so that the Police Chief may prepare a roster of police officers assigned to the excavation site.

7.3.2 If, in his opinion and judgement, the Police Chief deems necessary the assigning of more than one (1) police officer to the excavation site, he may do so in the best interest of public safety.

7.3.3 The permittee may request a waiver of the requirement for uniformed police at the excavation site, in writing to the Police Chief, who must evaluate the request for a waiver and reply to the permittee in writing within five (5) days of receipt of request for waiver.

7.3.3.1 If the Police Chief grants the waiver, and at some future time during the progress of the work the Police Chief visits the excavation site and deems necessary that a uniformed police officer be present to maintain two-way traffic in the roadway, the Police Chief may immediately rescind, suspend or modify this waiver.

7.3.3.2 A request for a waiver does not relieve the permittee in any way of the responsibility of having uniformed police at the excavation site until said waiver has been granted in writing by the Police Chief.

7.3.3.3 The fee and incidental expenses of the uniformed police assigned to the excavation site shall be borne by the permittee and payable by check or money order to the Town of Dracut.

7.4 Pavement, fire hydrants, catch basins and sidewalk areas shall be kept reasonably clear of excavated materials. Pedestrians must be able to walk or a boardwalk must be constructed over any excavation authorized hereunder.

7.5 Proper access at all times should be maintained to both public and private property with all driveways and streets, to be opened at night. In cases where necessity deems a roadway trench be kept open overnight, express written permission from the Highway Surveyor and written notification to the Police and Fire Departments will be necessary.

7.6 Any snow or ice condition that may occur during construction must be properly controlled through sanding and/or salting or plowing to points two hundred fifty (250) feet beyond either end limits of the construction area, unless otherwise decided by the Highway Surveyor, or his duly authorized representative.

7.7 The permittee shall be responsible for instructing all employees in the principles of first-aid and safety and in the specific operational procedure necessary to prevent accidents. The permittee shall provide for the availability and maintenance of adequate first-aid supplies at the excavation site at all times.

Section 8 - Construction Standards

8.1 Grassed Areas. Any grassed areas, where entered and disturbed, either public or private, shall be properly compacted as hereinafter described and loomed to a minimum depth of six (6) inches, seeded and fertilized. The permittee is responsible for maintaining these areas until a satisfactory crop of grass has been grown to the satisfaction of the Highway Surveyor. The seed shall be sown only between the periods from April 15 to June 1 and from August 15 to October 15 or as directed by the Highway Surveyor.

8.2 Trees. The issuance of the permit does not authorize the trimming or removal of any trees or shrubs. The necessary removal of any tree shall be under the supervision of the Tree Warden or his duly authorized representative. Hand digging shall be required around roots of trees and shrubs.

8.3 Fences. Any fence requiring removal for satisfactory prosecution of the work shall be removed and ten reset by the permittee. The materials removed shall be utilized in the fence

reset except, where necessary. New posts and bases shall be furnished by the permittee. Any materials damaged or lost during or subsequent to the removal shall be replaced by the permittee at his own expense. All new materials required shall be equal in quality and design to the materials in the present fences.

8.4 Saw Cutting of Pavement. Where required by the Highway Surveyor, the roadway and/or sidewalk pavement are to be saw cut to neat, true lines as directed. All newly resurfaced roadways shall be saw cut. Such cutting shall be to a depth below the pavement as to prevent tearing of the surface when the excavation is begun.

8.5 Maximum Trench Opening. the excavation is to be kept as neat as existing conditions permit and not more than one hundred and fifty (250) feet to be left open at any time during working hours, or more than twenty (2-) feet of trench to be left open overnight without written permission of the Highway Surveyor.

8.6 Roadway Dust Control. The permittee shall furnish and apply calcium chloride as a dust control material at all locations where directed by the Highway Surveyor or his duly authorized representative. Calcium Chloride shall be uniformly applied either by hand methods or by approved spreading devices at a rate of no more than one (1) pound per square yard.

8.7 Unsuitable Material. All excavated material is to be discarded unless otherwise suitable, and if not suitable, to be replaced with the following material acceptable to the Highway Surveyor, or equivalent: names. 1/2" to 3/4" crushed processed gravel for the bed and also above the item placed in the excavation for a depth not less than six (6) inches below the bottom most portion of the item and for a depth not less than six (6) inches above the top most portion of the item, to be standard. Any excavated materials not required or not suitable for backfilling shall be removed from the site of the work and disposed of by the permittee. The permittee will not be allowed to store excess excavated material on the public highways. All excavated material which is not to be used in a reasonable amount of time, as determined by the Highway Surveyor or his duly authorized representative, for backfilling, shall be hauled away

and stored until such time as the material is to be used for backfilling, by the permittee.

8.8 Disposal of Discarded materials. The permittee shall be held responsible for all discarded materials, rubbish and debris that are dumped or fell within the limits of the project. Such materials shall be removed from the site and disposed of at the permittee's expense.

8.9 Backfill material. The backfill material used shall be of a quality satisfactory to the Highway Surveyor and shall be free from large or frozen limbs, wood, organic matter and other extraneous material and shall contain no boulders or broken ledge greater than half (1/2) cubic yard. All stones, boulders or broken ledge greater than one (1) cubic foot in size must be a minimum of one and one half (1/2) feet above the top most portion of the item placed in the excavation and a minimum of two (2) feet below the pavement surface grade.

8.10 Sheeting, Lumber, sheeting shall be installed where trench excavation would cause failure to adjacent pavement. Unless otherwise directed, sheeting shall be driven to such a depth as to be two (2) feet below normal excavation. The sheeting shall be securely and satisfactorily braced to withstand all pressures to which it may be subject and shall be sufficiently tight to prevent any flow of water or material into the work space. Upon completion of the work sheeting shall be driven down or cut off eighteen (18) inches below pavement, grade and left in place, or as directed by the Highway Surveyor. No sheeting may be left so as to create a possible hazard to the safety of the public, obstruction to flow of water or hindrance to traffic of any kind.

8.11 Compaction of Backfill. Backfill shall bc uniformly distributed in successive layers. Each layer being thoroughly compacted before the succeeding layer is placed. The entire width of the trench shall be mechanically or hand tamped in six (6) inch lifts, a minimum of two (2) feet above the utility installation, and mechanically tamped the remainder of the fill in lift depths not greater than two (2) feet.

8.12 Grading, Rolling and Finishing. The areas to be graded shall be raked or machine graded to remove all stones and other unsatisfactory material and shall then be filled with additional suitable material and the surface then graded and rolled until true to the required lines and grades. All ruts shall be eliminated but imprint of tire tracks will be permitted. The fine grading of the subgrade for the area on which roadway pavement is to be laid shall be finished at the required depth below and parallel to the proposed pavement surface.

8.13 Bituminous Concrete Pavement Replacement.

8.13.1 Class A. Roadways. Class A Roadways shall be considered as main arteries within the Town, State Routes, roadways which fall under Chapter 90 jurisdiction, and any newly resurfaced roadway and any other considered in Class A condition by the Highway surveyor.

8.13.2 Class A Roadways, Summer. In the pavement area, the trench shall be backfilled with processed gravel from a depth of twenty (20) inches to four (4) inches below the pavement grade and a four (4) inch bituminous concrete temporary patch laid and maintained by the permittee for a minimum period of sixty (60) days and a maximum period of seventy-five (75) days.

At this time the trench shall be excavated to a depth of eight (8) inches. The pavement shall then be cut in a neat, true line at all vertical plane limits of the trench within the roadway and a six (6) inch slab of 3,500 psi. high early strength reinforced concrete constructed in the trench areas. Reinforcing shall be #5 bars at six (6) inches on center running in the direction of the trench. The bars shall be set a minimum of two (2) inches above the lower limit of the concrete and no more than three (3) inches above the same plans. The concrete is to set for a minimum of twenty-four (24) hours, at which time the pavement shall be restored with two (2) inches of Bituminous Concrete Type 1, consisting of a one (1) inch top course graded to meet the existing pavement.

8.13.3 Class A Roadways, Winter. In the pavement area, the trench shall be filled with suitable unfrozen material to a point of twenty (20) inches below roadway grade. Sixteen (16) inches of processed gravel shall then be placed over the compacted fill and four (4) inches of temporary patch shall be placed and maintained by the permittee for the remainder of the winter months. In the Spring, or as directed by the Highway Surveyor, when the ground is frost free, the trench shall be excavated to a depth of eight (8) inches. The pavement shall be cut in a neat true line at all vertical plane limits of the trench within the roadway, and a six (6) inch reinforced concrete slab constructed and the pavement shall be restored with two (2) inches of Bituminous Concrete Type 1 as described in Subparagraph 8.12.2.

8.14 Reinforced Concrete Pavement Replacement. If reinforced concrete pavement is encountered during the work, it shall be placed in accordance with acceptable construction standards or as directed by the Highway Surveyor.

8.15 Bituminous Concrete Sidewalk Replacement. When work is performed in sidewalk areas, the entire sidewalk shall be replaced as follows. The entire trench area shall be thoroughly compacted to a point nine (9) inches below the finish grade. Six (6) inches of compacted processed gravel sub-base shall then be placed. Forms shall be installed where deemed necessary to assist in securing proper alignment and adequate compaction of the base and surface courses. Bituminous Concrete Type 1 shall then be laid in two (2) courses to a depth of three (3) inches, each course consisting of one and one half (1 1/2) inches. The walk shall have a pitch of three sixteenths (3/16) of an inch per foot of width to provide for proper drainage toward the gutter. The surface of each course shall be rolled with a self-propelled tandem roller weighing not less than one and one half (1 1/2) tons and not more than five (5) tons. In places not accessible to a power roller, compaction shall be obtained by means of hand tampers weighing not less than fifty (50) pounds and having a tamping face not exceeding one hundred (100) square inches.

8.16 Concrete Sidewalk Replacement. When work is performed in concrete sidewalk areas, the entire sidewalk shall be placed in accordance with acceptable construction standards or as directed by the Highway Surveyor.

8.17 Bituminous Concrete Berm. The Construction requirements, dimension and cross-section of bituminous concrete berm shall be directed by the Highway Surveyor.

8.18 Curb. When work is performed adjacent to granite curbing, extreme care is to be taken to insure that curbing remains undisturbed both horizontally and vertically. Curbing which has been chipped, marred or cracked during construction shall be replaced when so directed by the Highway Surveyor. Disturbed curbing shall be reset to line and grade by accepted methods. The permittee shall be held responsible for any settlement or horizontal movements of granite curb due to washout or trench settlement after completion of construction for a period of time acceptable to the Highway Surveyor.

8.19 Time Limit for Sidewalk Paving. Sidewalk repaving and/or replacement must follow as close behind installation as conditions permit. Excessive lineal footage of sidewalk unrepaired will not be allowed.

8.20 Disturbing Existing Utilities. The permittee shall exercise special care during excavation to avoid injury to underground structures such as water or gas mains, pipes, conduits, manholes, catch basins, etc. When necessary the permittee shall cooperate with representatives of public service companies in order to avoid damage to their structures by furnishing and erecting suitable supports, props, shoring or other means protection.

The permittee shall be liable for repairs of any damage to such utilities, either public or private to the satisfaction of the Highway Surveyor. The construction and/or reconstruction of any Town of Dracut catch basin shall be in accordance with the Town of Dracut standards.

CHAPTER 8A (Cont'd)

Section 9 - Private Property

Liability or damage to private property abutting the construction and caused by the permittee, his agents or servants shall be borne solely by the permittee performing the work.

Section 10 - Liability

The issuance of the permit to an individual, utility or the Utility Company and/or its agent or others as described in Section 1, Paragraph 1.1 of this by-law, shall constitute an agreement with the Town of Dracut, whereby the Utility or Utility Company and/or its agent, am individual, or others shall indemnify and save harmless the Town of Dracut, against all claims for damage for injuries to persons or property, and against all costs, suits, expenses and losses occasioned by or arising from entering streets and/or ways and from occupancy an use of said streets and/or ways, and further agree to pay all costs and damages which may be recovered against the Town of Dracut, by reason of entering said streets and/or ways on account of occupancy of said premises, and shall further be required to provide insurance therefor unless determined by the Sewer Commissioners and Highway Surveyor.

Section 11 - Enforcement Provisions; Orders

11.1 If an examination of the work reveals that it does not comply with or violates the provisions of this by-law, the Sewer Commissioners and/or Highway Surveyor shall notify and order in writing, the permittee and its duly authorized supervisor at the work site who shall take such appropriate measures as necessary to assure compliance with the provisions of this by-law.

11.2 If further examination of the work, not less than forty-eight (48) continuous hours after the issuance of orders, reveals that no positive action and/or appropriate measures are or were being taken by the permittee or its duly authorized supervisor at the work site to assure compliance with the provisions of this by-law, the Sewer Commissioners and/or Highway surveyor may rescind, suspend or modify, through imposition of conditions, the permit.

11.3 Every order issued to enforce the provisions of this by-law shall be in writing and shall be served on the permittee and its duly authorized supervisor at the work site and/or all persons responsible for the violation of this by-law.

11.4 Every order issued to enforce the provisions of this by-law include a statement of the violation of defect, shall allot a reasonable time for any action necessary to effect compliance, and may suggest action which, if taken will effect compliance with this by-law.

Section 12 - Hearings

12.1 Any person to whom an order to comply with the provisions of this by-law is issued or any person who objects to the issuance of a variance may request a hearing before the Sewer Commissioners and Highway Surveyor or their designee by filing a written application within ten (10) days of the receipt of the order or within ten (10) days of the filing of notice of the granting of the variance.

12.2 Upon receipt of written application, the Sewer Commissioners, Highway Surveyor or their designee shall establish a time and place for such hearing and inform the petitioner thereof in writing. The hearing shall be commenced no later than thirty (30) days after the day on which the application was filed.

12.3 At the hearing the petitioner shall be given an opportunity to be heard and to show why the order or variance should be modified or withdrawn.

12.4 After the hearing, the Sewer Commissioners and Highway Surveyor shall sustain, modify or withdraw the order or variance, and may rescind, suspend or modify, through the imposition of conditions, the permit, and shall inform the petitioner in writing of the decision.

12.5 Every notice, order and other record prepared by the ewer Commissioners and/or Highway Surveyor or their designee in connection with the hearing shall be enter as a matter of public record in the office of the Highway Surveyor.

Section 13 - Penalty

13.1 Any permittee who violates or refuses to comply with any provisions of this by-law and orders hereunder promulgated shall forfeit and pay to the use of the Town of Dracut a sum of One Hundred Dollars ($100) for each violation.

13.2 Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate violations of this by-law.

Section 14 - Variance

14.1 The Sewer Commissioners and Highway Surveyor, upon their own initiative or upon application to them by any individual, Utility or others as described in Section 1. Paragraph 1.1. after due notice and public hearing, may vary any provision of this by-law as they deem necessary with respect to any particular case when in their opinion, the enforcement thereof would do manifest injustice or cause due hardship, provided that their decision shall not conflict with the spirit of this by-law. The burden of proof of the manifest injustice or causes of hardship shall be the responsibility of the applicant.

14.2 Variances, when granted, shall be in writing and shall be effective for not more than one (1) year. Notice of the grant of variance shall be filed with the Town Clerk within ten (10) days after the variance has been granted.

Section 15 - Severability

Each of these sections shall be construed as separate to the end that if any section or paragraph, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that section and all other sections of this by-law shall continue in full force.

CHAPTER 8A (Cont'd)

Section 16 - Municipal Department

Municipal Departments of the Town of Dracut will be excluded from the provisions of this by-law, by mutual consent of the governing authorities of Section 1.4 and 1.5 of this by-law.

Section 17 - Inconsistencies

All provisions of the by-law of the Town of Dracut as amended, which are not inconsistent with this by-law, shall continue in effect but all provisions of said By-Laws inconsistent are repealed.

AMENDMENTS - CHAPTER 8A:

Note - Chapter 8A voted Article 96, Annual Town Meeting March 17, 1973

Section 1.1.2 - Added - 11/4/1991 Annual Town Meeting

TOWN OF DRACUT
BY LAWS

CHAPTER 9

BUILDING CONSTRUCTION

Regulations relative to construction, alteration and maintenance of buildings.
General Laws Chapter 143, Section 3

Section 1 - Scope

The provisions of these regulations shall relate to the construction, alteration and maintenance of buildings and other structures within the limits of the Town of Dracut, County of Middlesex, except such as are owned and occupied by the United States, or owned and occupied by the Commonwealth of Massachusetts, or by any County: and also excepting bridges, quays and wharves.

These regulations shall become effective upon acceptance by the Town of Dracut, in accordance with the provisions of General Laws Chapter 143, Section 3.

Section 2 - Building Department

There shall be a department to be called the Building Department, which shall be furnished at the expense of the Town with office room and such supplies for the transaction of the business as the Town may provide.

Section 3 - Building Official

The Office of Inspector of Buildings is hereby established. The Inspector of Buildings shall be appointed, and may at pleasure be removed, by the Board of Selectmen, who shall fix the salary and provide for reimbursement for his incidental expenses in the performance of his duties. No person shall be appointed as Inspector who has not had at least five years experience as a builder, civil engineer or architect, or as a superintendent, foreman or competent mechanic in charge of construction.

The Inspector of Buildings shall enforce all laws and regulations relating to the construction, alteration, repair, maintenance of buildings and structures, except as may be otherwise provided.

He shall inspect all building operations within the Town, and shall have the right of entry at reasonable hours.

He shall require that all workmanship and all building materials shall be of good quality, and that types and methods of construction shall be in accordance with generally accepted standards of engineering practice, as defined by the Board of Standard's Basic Principles of Building Construction, and not inconsistent with law. In case of violation of these regulations he shall order, in writing, the suspension of work, which notice shall state the conditions under which work may be resumed.

Section 4 - Records and Reports

The Inspector of Buildings shall keep records of applications, permits issued, certificates issued, inspections, reports and notices or orders issued. He shall make a report to the Board of Selectmen annually and at such other times as requested by said Board.

Section 5 - Application for Permits

It shall not be lawful to construct, alter, remove, demolish or change the class of occupancy of any building or structure without first filing with the Inspector of Buildings an application in writing, and obtaining permit.

An application for a permit shall be submitted in such forms as the Inspector of Buildings may prescribe, and shall be made by the owner or his duly authorized representative.

Applications for permits shall be accompanied by such plan, drawings and other data as the Inspector of Buildings may require. When required by the Inspector of Buildings, there shall be filed also, a plot diagram drawn to scale, showing the size and location by dimension of the proposed new construction and other existing or proposed structures on the san lot, and other lines.

Nothing in this section shall prohibit the filing of amendments to any application. Such amendments, after approval, shall be filed with and be deemed a part of the original application. In existing buildings, minor repairs may be made without filing an application or obtaining a permit.

Section 6 - Permits, Inspections, Fees

It shall be the duty of the Inspector of Buildings to act upon applications for a permit, plans, or amendments thereto, without unreasonable or unnecessary delay.

The Inspector of Buildings shall inspect all buildings or structures during construction to see that the provisions of these regulations are complied with and that the construction is prosecuted safely.

The fee required for a building permit shall be that established by the Board of Selectmen.

Section 7 - Certificate of Occupancy

It shall be unlawful to use or permit the use of any building or premise or part thereof hereinafter created, erected, changed or converted wholly or partly in its use or structure until a Certificate of Occupancy shall have been issued by the Inspector of Buildings, certifying that the conditions of the permit have been fulfilled in accordance with the provisions of these regulations.

Upon the request of the holder of a permit, or the owner, the Inspector of Buildings may issue a temporary Certificate of Occupancy for part of a building: provided that such temporary occupancy or use would not jeopardize life, limb or property.

Section 8 - Unsafe Buildings

Upon notice of an unsafe building, the Inspector of Buildings shall proceed in accordance with the provisions of General Laws Chapter 143, Section 6 to 12 inclusive.

CHAPTER 9 (Cont'd)

Section 9 - Penalty

If no other penalty for violations are provided, whoever violates any of the provisions of these regulations shall be liable to a fine of not less than fifty dollars ($50), not more than one hundred dollars ($100).

Section 10
"Building Code of the Town of Dracut" being the same as the National Building Code dated 1967.

Section 11
It is prohibited to issue Building Permits for construction of structures on undeveloped streets unless and until there is approval of the Planning Board.

Section 12
No Building Permit shall be issued for the construction of any new building that requires a sewerage disposal system if not less than 10,000 square feet is size for a single living unit, and less than 20,000 square feet for any building that will have two or more living units, unless the lot to be built on can be serviced by a public Water and Sewer System. However, notwithstanding the provisions of the above, permits may be issued for said units requiring water and sewerage disposal systems, provide that the applicant for the site can satisfy the provisions of the Dracut Board of Health, by demonstrating satisfactory compliance with all health safety standards.

AMENDMENTS - CHAPTER 9:

Section 10 - Amended - Article 75, Annual Town Meeting, March 23, 1968
Section 11 - Added - Article 15, Annual Town Meeting, November 12, 1986
Section 12 - Added - Article 17, Annual Town Meeting, November 12, 1986
Section 12 - Amended - Article 4, Annual Town Meeting, November 16, 1988

TOWN OF DRACUT
BY LAWS

CHAPTER 9A

BUILDING FEES

No Building Permit shall be issued for the construction of any building on any new street or the extension of any existing street until all underground utilities have been installed from the start of the new street or extension to the end of the property line of the lot for which the building permit is requested. Utilities shall include water, sewer, drainage, gas, electric, telephone and all service connections from the main line to the property line.

On all new streets or extensions of existing streets where the developer intends to supply water from a source other than from a public water supply, he shall install dray water lines to be used for future connection to the public water system. These mains shall be a minimum of 8" in diameter and of Class 53 ductile iron pipe. A tee and valve with a 6" Class 53 ductile iron pipe shall be installed to the property line for future hydrant installation and shall be installed at the locations specified by the Fire Department. Service lines of not less than 3/4" type K copper in one continuous piece shall be installed to the property lines of all lots on the street.

The Building Inspector shall not issue any new building permit until he has received a letter, from the utility or Town Department having jurisdiction, stating that all work has been done in accordance with their rules and regulations.

Article 45 - June 8, 1981

BUILDING FEES/ EFFECTIVE JUNE 24. 2003

APPLICATION FEE	$ 25.00
(New Residential, Multi-family, or Commercial requiring Review)	
*RESIDENTIAL	$ .40 sq.ft.
* Major Alterations	$ .40 sq.ft.
NEW COMMERCIAL - INDUSTRIAL	$ .25/sq. foot and $ 35.00/inspection

TOWN OF DRACUT
BY LAWS

MINOR HOMEOWNER REPAIRS	$ 50.00
DECKS ROOFS, & SIDING	$100.00
Windows 1-10 = $50 11-15 = $75 16+ =	$100.00
SHEDS	$ 30.00
GARAGES	
ONE STALL	$100.00
TWO STALL	$200.00
POOLS	
In-Ground	$150.00
Aboveground	$ 50.00
MOVING STRUCTURES	$300.00
CELL TOWER	$500.00
WOOD STOVES	$ 35.00
ISSUANCE OF OCCUPANCY PERMITS	
Residential (new o/c required for all additions)	$ 35.00
Commercial	$100.00
DEMOLITION OF BUILDINGS	
House	$100.00
Commercial/Industrial	$200.00
FREE STANDING SIGNS	
Electric	$150.00
Wall	$ 65.00
Wood	$ 60.00
Real Estate	$150.00 annually
Reinspection	$ 50.00
Permit renewal	$ 50.00
Zoning Verification Letter	$ 25.00

In no case shall a permit for a Single Family dwelling unit be less than $300.00

TOWN OF DRACUT
BY LAWS

Any work started prior to obtaining a permit, fee will be double.

* Finished - Occupied Space/Living Space

PLUMBING & GAS FEES/ EFFECTIVE JUNE 24, 2003

ALL RENOVATIONS - RESIDENTIAL - 1-5 fixtures (Each additional fixture $4.00 each)	$ 45.00
ALL ADDITIONS - RESIDENTIAL - 1- 7 fixtures	$ 45.00
NEW HOMES (two baths) ($50.00 each additional bath)	$150.00
MULTIFAMILY - CONDOMONIUMS - APARTMENTS	$150.00/unit
COMMERCIAL/INDUSTRIAL - 1-8 fixtures (Each additional fixture $6.00 each)	$150.00 and $ 30/inspection
COMMERCIAL REMODELING - 1-5 fixture	$150.00 and $ 30/inspection
HOT WATER TANK	$ 25.00
BACK FLOW PREVENTER	$ 30.00
RE-INSPECTION FEE	$ 50.00

GAS

APPLIANCES - 1st 5 fixtures (Each additional fixture $6.00 each)	$ 50.00
SINGLE REPLACEMENT	$ 30.00
COMMERCIAL/INDUSTRIAL BUILDINGS - 1st 5 fixtures (Each additional fixture $6.00 each)	$150.00 and $30/inspection
SEWAGE CONNECTION	$ 35.00

TOWN OF DRACUT
BY LAWS

Any work started prior to obtaining a permit, fee will be doubled.

WIRING FEES EFFECTIVE JUNE 24, 2003

SERVICE CHANGE - 100 amps	$100.00
SERVICE CHANGE - 200 amps	$150.00
SERVICE CHANGE - 400 amps	$300.00
WIRING - Gas/Oil burners	$ 30.00
Hot Water heaters	$ 30.00
A/C	$ 30.00
Additions-Alterations to home	$ 50.00
Above Pool, Security Systems	$ 30.00
In-ground Pool	$ 50.00
TEMPORARY SERVICE	$100.00
WIRING - Residential	
- New home - 100 amps	$150.00
- New home - 200 amps	$200.00
- New home - 400 amps	$350.00
NEW COMMERCIAL & INDUSTRIAL	$400.00 and $1.00/fixture-outlet & $30.00/inspection fee
ALTERATIONS/ADDITIONS COMM/IND.	$150.00 (2 INSP.)
MULTIFAMILY	$100.00 / unit and $1.00/fixture-outlet & $30.00/inspection fee
RE-INSPECTION FEE	$ 50.00
MINIMUM PERMIT FEE	$ 50.00
SPECIAL SIZE SERVICE	$150.00 and $2.00 per amp additional.

TOWN OF DRACUT
BY LAWS

AMENDMENTS - CHAPTER 9A:

Orginal Vote - Article 58, May 14, 1975
Amended - Article 82, June 9, 1977
Amended - Article 86, June 20, 1978

EFFECTIVE DECEMBER 14, 1983 PER VOTE OF THE BOARD OF SELECTMEN
FEES AMENDED EFFECTIVE FEBRUARY 28, 1994 PER VOTE OF THE BOARD OF SELECTMEN

FEES AMENDED EFFECTIVE JUNE 10, 2003

TOWN OF DRACUT
BY LAWS

CHAPTER 9B

NUMBERING DWELLINGS

1. From and after the effective date of this by-Law, all dwelling houses, places of business and other buildings located on or near the line of public ways or private ways open to the public in the Town of Dracut, shall be numbered consecutively from one end of the street or way to the other, the buildings on one side bearing even numbers, and the buildings on the opposite side bearing odd numbers.

2. Such numbering shall be done by and under the supervision of the Board of Assessors.

3. Whenever necessary, in the opinion of the Board of Assessors, for the proper carrying out of the purposes of this By-Law, the numbers of present buildings may be changed, but otherwise, present numbering will be retained.

4. The Board of Assessors shall determine from which end each street numbering shall begin.

5. A number shall be assigned to open and unoccupied land fronting on public or private ways open to the public for each lot fronting on such street or way as defined and provided in the Zoning By-Laws of the Town of Dracut for the particular district in which the street or way is affected, and for any lots with lesser frontage upon which buildings may be erected in accordance with such By-Law under provisions of law applicable thereto.

6. Upon determination by the Board of Assessors, of the number to be assigned to any building or premises in accordance with this By-Law, written notice thereof, shall be sent to him, by ordinary mail, or delivery, to the owners of all property the numbers of which have been changed, or to which a number has been assigned for the first time, and not later than ten (10) days from the mailing or delivery of such notice. The owner of such buildings or premises shall post the number so assigned on a conspicuous place on the front of any building so numbered, and shall not thereafter use any other number therefor.

CHAPTER 9B (Cont'd)

7. Any building hereafter erected, shall bear the numbers previously assigned under this By-Law to the particular lot upon which such building is erected, and shall not thereafter use any other number therefor, each number shall be a minimum of three (3) inches. No Occupancy Permit shall be issued until the assigned number has been placed in the position on the buildings.

8. Any person, firm or corporation violating this By-Law by failure to comply with the provision of Section 6 and 7 hereof, after receiving the notice provided for in Section 6 hereof, shall be liable to a fine not exceeding twenty dollars ($20.).

AMENDMENTS - CHAPTER 9B:

Original Vote - Article 50 - May 18, 1976

TOWN OF DRACUT
BY LAWS

CHAPTER 10

POLICE DEPARTMENT

Section 1
No person shall stand or loiter in or on any street, sidewalk or public place in such a manner as to obstruct the free passage of travelers thereon: nor shall any person on such a street, sidewalk or public place, after being directed by a police officer to move on and disperse, on the same or subsequent day reassemble to loiter or remain so as to obstruct the free passage of travelers or motor vehicles: provided, however, that nothing herein contained shall be construed to deny the right of peaceful picketing. It shall be the duty of any police officer of the Town of Dracut to order any person offending against the provisions of this section to move on and disperse and if the person so ordered or requested does not forthwith obey, to remove the, or to arrest and cause them to be brought before the Justice of the District Court of Lowell, and a complaint to be made against the provisions of the preceding sentence.

Section 2
No person shall consume any alcoholic beverage while in or upon any street, public place, public building or any place to which the public has right of access as invitees of licensees, unless permitted by vote of the Board of Selectmen; no person shall consume any alcoholic beverages while in or upon any private land, building, or place without consent of the owner or person in control thereof: for the purpose of this By-Law, alcoholic beverages are as defined in Chapter 138, Section 1 of the General Laws: alcoholic beverages being consumed in violation of this By-Law shall be seized, and held by the chief of Police until this case is disposed of by the courts, after which such beverages shall be returned to the person entitled to their lawful possession. Whoever violates this By-Law shall pay a fine not to exceed $50.00 for each offense.

Section 2.1 This By-Law shall be enforced on behalf of the Town by its Police Department which shall have the right to arrest any and all persons in violations of said By-Laws.

CHAPTER 10 (Cont'd):

Section 2.2 If any part, section or provision of this By-Law is found to be invalid, the remainder of this By-Law shall not be effected thereby.

AMENDMENTS - CHAPTER 10:

Section 1 - Adopted - Article 42, March 11, 1967
Section 2 - Added - Article 40, March 9, 1974
Section 2 - Amended - Article 11, May 12, 1976
Section 2 - Amended - Article #20, June 2, 2007

TOWN OF DRACUT
BY LAWS

CHAPTER 11

PERSONNEL, WAGE, AND SALARY ADMINISTRATION BY-LAW

TITLE
The official title of this document shall be "Personnel by-Law of the Town of Dracut ".

This By-Law shall take effect and be in force from and after the earliest date allowed by law, and shall repeal all other By-Laws in conflict herewith.

The By-Law shall be administered by the Personnel Officer under the jurisdiction of the Town Manager.

SCOPE OF THE BY-LAW:
This By-Law shall pertain to all regular non-union Town jobs, and employees except:

1. The Town Manager
2. Positions filled by popular election
3. Employees covered by Union contracts
4. Town Counsel
5. Employees under the control and direction of the School Committee and Administration
6. The Police Chief and Fire Chief

RECORDS:
A central Personnel file for all employees subject to this By-Law shall be established in the office of the Personnel Department. Said files shall contain records of salaries or wages and of vacation leave, sick leave, personal days, and such other information as may be requested by the Personnel Department for its efficient operation.

All Personnel records shall be considered confidential and shall be accessible only to persons with a **"NEED TO KNOW"** who have been authorized by the Town Manager or by the employee and his authorized representatives. Personnel records shall be available only during normal office hours.

VACANCIES:
Whenever there is a vacancy in a position, the Department Head shall notify the Personnel Officer of same, in writing, who shall so notify the Town Manager.

PROMOTION AND/OR TRANSFERS:
An employee receiving a promotion or transfer to a vacant or a new position, for which he/she is qualified, shall upon assignment resulting from such, receive the compensation rate for the new position, except that in no case shall said compensation be less than his/her prior compensation. Employees receiving temporary/acting promotion or transfers may be entitled to additional compensation. However, such additional compensation shall not carry back to the employee's original position at the end of the temporary service.

FILLING OF AUTHORIZED POSITIONS:
The Department Head shall receive prior approval from the Town Manager and shall notify the Personnel Department, in writing, of any new employees, whether permanent full time, part time, seasonal or temporary, and of any changes in position, classification or compensation of employees under their jurisdiction, and he/she shall provide such job description and compensation recommendation which he/she deems appropriate. All changes must be approved in advance by the Town Manager.

PERFORMANCE EVALUATIONS:
Performance evaluations of all employees will be on an annual basis. All Department Heads (except Boards and Commissions not appointed by the Town Manager) will be evaluated by the Town Manager. Supervisors will be evaluated by their Boards and/or Commissions, and Department Heads will evaluate all personnel under their jurisdiction.
All evaluation reports will be placed in the individual employee's personnel file.

CHAPTER 11 (Cont'd)

AMENDMENTS TO OR CHANGES IN CLASSIFICATION:
If at any time the Town Manager is of the opinion that changes in this By-Law are desirable, he shall be responsible for initiating all necessary actions to effect the changes. The Town manager may add new job titles and descriptions and, any reclassification shall be effective for the period from that date to the date of any vote with respect thereto adopted at the next Town Meeting.

VACATION PROVISIONS:
Vacation Leave shall be granted on July 1 to all full-time employees of the Town (based on full-time service) as follows:

A. Employees who have been continuously employed for more than six (6) months but less than twelve (12) months shall be granted five (5) working days vacation with pay.
B. Employees who have been continuously employed for more than one (1) year but less than five years shall be granted ten (10) working days vacation with pay.
C. Employees who have been employed for more than five (5) years but less than ten (10) years shall be granted fifteen (15) working days vacation with pay.
D. Employees who have been employed for more than ten years but less than fifteen (15) years shall be granted twenty (20) working days vacation with pay.
E. Employees who have been employed for more than fifteen (15) years but less than twenty (20) years shall be granted twenty-five (25) working days vacation with pay.
F. Employees who have been employed for twenty (20) years or more shall be granted thirty (30) working days vacation with pay.
G. Vacation requests shall be granted by the Department Head at such times as in his/her opinion, will cause the least interference with the performance of the regular work of the department.
H. When a holiday occurs during an employee's vacation, said vacation shall be extended by one (1) day with pay.

CHAPTER 11 (Cont'd)

I. All vacation requests by employees of more than ten (10) consecutive working days must be submitted to the Department Head for approval who shall forward his/her recommendation to the Town Manager, who shall have final approval, at least two (2) weeks in advance of the time to be taken, unless other arrangements have been made with the Department Head.

J. Vacation leave may be accumulated only up to a maximum of 10 days, each fiscal year. Exceptions may be granted by the Town Manager.

K. Upon, retirements, death or separation of an employee, that portion of unused accrued vacation leave will be paid to the employee or the beneficiary (or estate) as the circumstances dictate. Payment for such benefit shall be contingent upon budgetary considerations as determined by the Town Manager. Payment, if budgetary conditions are not favorable, shall be made in the first month of the fiscal year following the fiscal year in which the condition has occurred.

SICK LEAVE:
Employees occupying full-time positions shall be allowed, by the Town Manager, sick leave with pay for a period of fifteen (15) days per fiscal year, provided said sick leave is caused by illness or injury or contagious disease. Employees who work one (1) full year shall be granted fifteen (15) days at the start of the fiscal year. Employees who have less than one (1) year of employment shall be granted one and one-fourth (1 1/4) days per month. Accumulation shall be unlimited.

MEDICAL CERTIFICATE:
Every employee occupying a full-time position must obtain a medical certificate, if requested by the Department Head, for sick leave in excess of three (3) consecutive working days. Medical certificates must be submitted to the Personnel Department within one (1) week of the day it is requested of the employee, or the employee returns to work, whichever is later. Failure to do so may cause disapproval of sick leave and denial of pay for the absences involved.

CHAPTER 11 (Cont'd)

REPORT OF ILLNESS:
An employee who is incapacitated shall report his/her illness at the beginning of the scheduled tour of duty to the Department Head, unless emergency conditions exist. The employee should advise the Department Head of the approximate date that he/she will be able to return to duty. The Department Head shall inform the Town Manager of same expeditiously.

USE OF SICK LEAVE:
Sick Leave shall be used only for the necessary absence of an employee the result of his/her own sickness or injury, provided, however, should an emergency arise and a member of the employee's family, as hereinafter defined, becomes injured or ill, an employee may be excused from work, not to exceed three (3) days in any one fiscal year, said absence to be charged against accumulated sick leave, for the purpose of rendering emergency assistance. The Town Manager may require a Doctor's certificate substantiating that such illness existed. Said authorized leave shall be charged against the employee's sick leave. Sick Leave may also be used for maternity leave.

RETIREMENT, DEATH OR SEPARATION:
Upon retirement, death, or separation of an employee, said employee, or his/her beneficiary shall be paid for one-hundred percent (100%) of the employee's accumulated unused sick leave. Buy-back shall be paid in the fiscal year of the death, retirement, or separation of the employee, provided that the employee (except in the case of death or involuntary separation) had notified the Town Manager of his/her intent in the prior fiscal year, so that budgetary arrangements could be made. Said notification shall be no later than January 15 of each year. Employees who fail to notify the Town Manager shall be entitled to their buy-back in the first month of the following fiscal year.

This By-Law section covers Town employees hired prior to July 1, 2004. For employees hired or coming under the terms of this By-Law after July 1, 2004, said employee or his/her beneficiary shall upon retirement or death be able to convert into cash up to 120 days of accumulated unused sick leave. Buy-back shall be paid the fiscal year of the death or retirement of the employee, provided that the employee (except in the case of death) had

notified the Town Manager of his/her intent in the prior fiscal year so that budgetary arrangements could be made. Said notification shall be no later than January 15 of each year. Employees who fail to notify the Town Manager shall be entitled to their buy-back in the first month of the following fiscal year.

LONGEVITY:
Upon retirement, separation, or death, any employee covered by this By-Law shall be paid an amount equal to one (1) week's pay, at his/her most current rate of pay, for each year or any part thereof of service to the Town, said amount to be paid no later than one (1) month after the date of the event, provided that said employee(except in the case of death or involuntary separation) had notified the Town Manager of his/her intent in the prior fiscal year so that budgetary arrangements could be made.

Said notification shall be no later than January 15 of each year. Employees who fail to notify the Town Manager shall be entitled to their longeevity in the first month of the following fiscal year. However, under no circumstances will said employee receive more than the larger of longevity or accumulated unused sick leave.

This By-Law section covers Town employees hired prior to July 1, 2004. Town employees hired on or after July 1, 2004 are not covered by this By-Law section, nor are they entitled to Career Longevity.

BEREAVEMENT LEAVE:
Employees shall be granted three (3) working days with no loss of pay or benefits upon the death of the following: Husband, wife, children, grandchildren, mother, father , grandmother, grandfather, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, sister, brother, step-children, step-parents or any person residing with the employee. Employees will be granted (1) working day with no loss of pay or benefits upon the death of any niece, nephew, aunt, uncle, cousin, godchild, or foster child.

CHAPTER 11 (Cont'd)

PERSONAL LEAVE:
Upon completion of one (1) year of employment with the Town employees shall be granted three (3) days personal leave each year, non-cumulative, for the purpose of conducting personal business which cannot be conducted outside of working hours. Employees covered by this By-Law will not be questioned by any

superior as to the nature of the use of personal days. Notification of the Department Head will be the same as for sick leave.

MATERNITY LEAVE:
An employee who becomes pregnant and wishes leave will consult her department head and/or the Town Manager to make arrangements on an individual basis to determine the type of leave to be granted and the length of time off the employee and her physician anticipate may be needed for prenatal and postnatal requirements. Massachusetts Law and Regulations of the Massachusetts Commission Against Discrimination are applicable to the Town and require, among other things, that up to eight (8) weeks of maternity leave may be granted dating from the termination of pregnancy. disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom are, for all job related purposes, temporary disabilities and should be treated as such under the Town's sick leave procedures and medical insurance coverage if the employee is a participant. When leave is granted, an employee who returns to active employment upon completion of her leave from pregnancy will retain the unused benefits accrued during her Town employment.

The position to which the employee returns shall be the same position from which the pregnancy leave was granted or similar thereto in status, pay, length of service credit, and seniority. An employee who elects to terminate employment because of pregnancy will be terminated without prejudice and may apply for consideration for re-employment at a further date.

PATERNITY/ADOPTION LEAVE:
The Town manager may, upon recommendation of the Department Head, authorize employees a reasonable amount of leave without pay for paternity or adoption leave. Said leave shall be requested in

CHAPTER 11 (Cont'd)

writing to the Town Manager. No employee shall be granted more than one year without pay.

LEAVE OF ABSENCE:
The Town Manager may, upon recommendation of the Department Head, authorize a special leave of absence without pay for any period or periods of time not to exceed six (6) calendar months in any one calendar year.

HOLIDAYS:
For all employees covered by this By-Law, the following days shall be observed as holidays with pay:

January 1 (New Year's Day)	Labor Day
Washington's Birthday	Columbus Day
Patriot's Day	Veteran's Day
Memorial Day	Thanksgiving Day
July 4	Christmas Day
Martin Luther King's Day	1/2 day before Christmas
Day after Thanksgiving	
Good Friday Afternoon (1/2 day)	

If Christmas falls on Tuesday, employees shall be entitled to Monday off with pay. If Christmas falls on Thursday, employees shall be entitled to Friday off with pay.

If a holiday falls within an employee's regular scheduled vacation, the employee's vacation shall be extended by one day.

Any employee shall forfeit his/her right to payment for any aforementioned holiday if he/she has been absent without excuse on his/her last regularly scheduled work day preceding such holiday or his/her first regularly scheduled work day following such holiday.

Additional holidays granted to any Town employee shall be automatically extended to include employees covered by this By-Law.

CHAPTER 11 (Cont'd)

WORK WEEK:
The work week shall be defined as thirty-five (35) regularly scheduled hours in one week. The work week shall be Monday through Friday unless otherwise specified. For payroll purposes, the pay week shall commence Sunday at Twelve (12) midnight and shall continue through Saturday at twelve (12) midnight.

HEALTH INSURANCE:
The Town shall provide Health Insurance coverage with an indemnity plan as the primary plan, or required alternative HMOs, for employees in an individual or a family plan.

The Town shall provide for the same percent of the total cost of the Primary Health Plan as is provided for other Town employees. Employees subscribing to HMO's shall receive an equal amount of the premium cost which the Town contributes to the Primary Health Plan. Employees shall be responsible for the remaining cost of their Health Insurance.

Any change in the premium percentage paid by the town shall automatically be instituted for any employee who is subject to this By-Law.

JURY DUTY:
A full-time employee called to jury duty, or to testify as a witness as a result of his/her employment with the Town of Dracut, or as a result of the performance of his/her official Town duties, or on behalf of the Town of Dracut, shall be paid an amount equal to the difference between the amount received from the Court, other than for travel allowances, and the pay he/she would have received from the Town.

MILITARY DUTY:
Regular employees entering the active Military Service of the United States during a National Emergency through induction or enlistment, or at any time when inducted into the Military Service under the provisions of the Selective Service Act, or by other order of the United States Government, shall be granted a Leave of Absence without pay to extend for ninety (90) days beyond the date of termination of active Military Service.

CHAPTER 11 (Cont'd)

RETURN OF EMPLOYEE FROM MILITARY SERVICE LEAVE:
If at or prior to the expiration of the Military Leave of Absence, each regular employee shall have informed the Town Manager in writing of his/her willingness and ability to return to Town employment and produce evidence of his/her Honorable Release from Military Service, he shall be given the position occupied by the last person employed in his/her position and classification, and shall receive the higher of current compensation for the position of his/her last rate of pay and all granted increases thereto.

MILITARY SERVICE DEFINED:
The term "Military Service" as used herein shall include the Army,Navy, Air Force, Marine Corps,Coast Guard, National Guard, the United States Public Health Service, or other form of National service approved by the United States Government in lieu of Military Service as well as all auxiliary branches of said services in which either men or women shall be called to serve,but shall not include service as a civilian employee of the services unless such service is mandatory. the term "National Emergency" as used herein shall exist during such period as may be designated by the President of the United States or the United States Congress.

MILITARY TRAINING LEAVE:
Permanent employees, having completed their initial probationary period, who are members of the National guard or organized Military Reserves of the United States and who are ordered to attend training camp shall be allowed two (2) weeks leave for attending sessions, with the Town paying the difference between his/her military pay and his/her regular pay. Such military training leave shall not be deducted from annual leave.

ABSENCE WITHOUT LEAVE:
An employe who anticipate being absent from duty shall report the reason therefor to his/her superior prior to the date of absence, when possible, and in no case, later than noon on the first day of absence (except in cases of emergency). All unauthorized and unreported absences shall be considered absence without leave, and deduction of pay shall be made for the period of absence.

Those absences may be considered the ground for disciplinary action.

Any employee who is absent from work without notifying and/or receiving approval from his/her Department Head or the Town Manager for a period of ten (10) consecutive working days shall be considered to have resigned and shall be terminated as an employee of the Town of Dracut. Such termination shall be treated as termination for cause.

ACCIDENT OR INJURY REPORT:
Should an employee be injured during working hours or otherwise in the performance of his/her official duties be injured, no matter how slight, he or she, as soon as possible thereafter, complete a "Personal Injury Report" in triplicate. This report shall be submitted to the Town Manager, the Department Head, and the Personnel Officer. Failure to complete this report on a timely basis may be cause for disciplinary action and/or preclude the employee's rights to injury benefits.

PROHIBITION OF DISCRIMINATION:
No person shall be appointed, promoted, demoted, advanced or held back on any basis or for any reason other than qualification, merit and fitness for service,or lack thereof. Any such action shall be taken wholly without favoritism or discrimination and on no basis other than provided for herein.

No person shall use or promise to use, for or against, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment to a position or an increase in pay or other advantage in employment, for the purpose of influencing the vote or political action of any person.

PART-TIME EMPLOYEES:
All permanent part-time employees of the Town who work an average of twenty (20) hours or more per week (or 1,000 hours per year) on a regular basis, shall be entitled to all benefits on a pro-rata basis.

CHAPTER 11 (Cont'd)

SEXUAL HARASSMENT:
All employees have the right to work in an environment free from all forms of discrimination and harassing conduct.

The Town of Dracut believes that sexual harassment is a form of misconduct which undermines the integrity of the employment relationship, and demeans both sexes.

The Town of Dracut expects all employees to conduct themselves in a professional manner with concern and respect for their colleagues, the Town and the public.

Verbal physical behavior towards an employee of the Town of Dracut which constitutes unsolicited and unwelcome sexual overtures or conduct is unlawful and is forbidden by the Town of Dracut.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to, or rejection of, such conduct or communication is either an explicit or implicit term or condition of employment, or is used as a basis for making employment decisions.

Additionally, any such unwelcome conduct or communication which have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment is likewise prohibited.

The key to understanding what constitutes sexual harassment lies in the word "unwelcome". Sexual harassment can take the form of verbal abuse, such as sexual insults, suggestive comments, demands for sex, or dirty jokes. It may entail physical touching and "horseplay." It may also take the form of visual materials such as cartoons, pictures or photographs.

Employees who believe they are the subject of sexual harassment should immediately report the conduct to their supervisor and/or to the Sexual Harassment Officer. The Sexual Harassment Officer shall be appointed by the Town Manager, and shall be responsible for promoting awareness of the Town of Dracut's Sexual Harassment Policy and related issues, and shall be available to all staff to

receive reports of sexual harassment, and to help facilitate pursuant investigations. If any of these persons are the source of the alleged harassment, the employee shall report the problem to the Board of Selectmen.

All reports of harassment will be investigated promptly and in an impartial and as confidential a manner as possible, under the supervision of the Sexual Harassment Officer, to insure prompt and appropriate action.

Any employee who is found, after appropriate investigation, to have engaged in sexual harassment of another employee, will be subject to disciplinary action as determined by the Town Manager, up to and including termination of employment, depending on the circumstances.

If an employee is not satisfied with the handling of a report, or action taken, then the employee may file a written grievance with the Selectmen.

A written grievance should state the nature of the claim, the names of the parties involved, and the relief requested. Once the Board of Selectmen has received a written grievance, they will convene a meeting to discuss the grievance with the employee. Within ten days after the discussion, the Board of Selectmen will prepare a written response which will include the proposed relief. If the employee is dissatisfied with the proposed relief, he or she may file a written complaint with the Board of Selectmen. The Board of Selectmen will take appropriate action to investigate the complaint and consider the proposed relief, including taking the matter to an arbitrator for further investigation and decision, the cost of arbitration to be paid by the Town of Dracut.

No employee shall be subject to any form of coercion, intimidation, retaliation, interference, or discrimination for filing a sexual harassment report.

TOWN OF DRACUT
BY LAWS

AMENDMENTS - CHAPTER 11:

Personnel By-Law - Adopted November 16, 1988 - Article 5

Longevity - Amended - November 2, 1992 - Article 9
Amended - June 7, 2004 - Article 17
Vacation Provisions - Amended Par. J - November 8, 1993-Article 8
Sexual Harassment - Added - November 8, 1993 - Article 6
Retirement, Death or Separation - Added Par. 2 - June 7, 2004
Article 16
Health Insurance - Amended - November 7, 2005 - Article 4

TOWN OF DRACUT
BY LAWS

CHAPTER 12

DOGS

The Town voted to establish a section in the Town by-laws relating to Dogs, said by-law due to the abolishment of the Middlesex County Administration, and to provide within said by-law the following, by deleting the current Chapter 12 and inserting in its place the following comprehensive by-law regarding dogs.

This by-law is intended to guide those persons owning or keeping dogs within the Town of Dracut in their role as responsible pet owners. Although it is hoped these regulations will act as an educational tool, it must be understood that enforcement of this by-law is necessary to protect the rights and safety of the public.

Section 12.0 REFERENCE TO MASSACHUSETTS GENERAL LAWS

Any reference to a "Section" in this by-law shall mean Chapter 140 of the Massachusetts General Laws, unless otherwise stated.

12.1 Definitions

Unless otherwise set out in this by-law, any term defined in Chapter 140, Section 136A, Massachusetts General laws, shall have the same meaning in this by-law, and shall be expressly incorporated herein.

"Animal Shelter"- Any premise designated for the purpose of impounding and caring for animals held under authority of this by-law.

"At Large"- At large shall mean on or off the premises of the owner, and not under the control of the owner or authorized escort either by leash, cord, chain or otherwise.

"Enclosed Area"- A portion of the owner's property which is secured by fencing in such a manner that the dog once inside the

area cannot exit of its own accord. The dog officer, after an inspection of the area, will determine if the enclosed area is suitable or not.

"Kennel"- One (1) pack or collection of dogs on single premise, whether maintained for breeding, boarding, sale, training, hunting or other purposes, and including any shop where dogs are on sale, and also including every pack or collection of more than (3) dogs, three (3) months old or older, owned or kept by a person on single premises, irrespective of the purpose for which they are maintained.

"License Period" - The license period shall be from January 1 of each year to December
31 of the same year.

"Live Stock or Fowls"- Animals or fowls kept or propagated by the owner for food or as a means of livelihood; also deer, elk, cottontail rabbits, and northern hares, pheasants, quail, partridge and other birds and quadrupeds determined by the Division of Fisheries & Wildlife and Environmental Law Enforcement to be wild and kept by , or under a permit from, said department in proper houses or suitable enclosed yards. Such phrase shall not include dogs, cats and other pets.

"Owner"- Owner shall mean any person or persons, firm, association or corporation owning , keeping or harboring a dog owned or kept in the Town.

"Keeper" - any person, corporation or society, other than the owner, harboring or having in his possession any dog.

"Person"- An individual, partnership, company or corporation.

"Restraint"- A dog shall be deemed to be under "restraint" if it is on the premises of the owner accompanied by a person who shall have the dog under control; or is in a suitably enclosed area; or if outside the premises of the owner; is accompanied by a person who shall have the dog under control by holding it firmly on a leash no greater than six (6) feet in length.

CHAPTER 12 (Cont'd)

"Veterinary Hospital"- An establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals.

12.2 REGISTRATION/LICENSES

A person who at the commencement of a license period is, or who during any license period becomes, the owner or keeper of a dog six (6) months old or over which is not duly licensed, and the owner or keeper of a dog when it becomes six (6) months old during a license period, shall cause it to be registered, numbered, described and licensed until the end of such license period and the owner or keeper of a dog so registered, numbered, described and licensed during any license period shall, before the beginning thereof, cause it to be registered, numbered, described and licensed for such period. The registering, numbering, describing and licensing of a dog shall be done in the Office of the Town Clerk on a form prescribed and supplied by the Town Clerk's Office, and shall be subject to the condition expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing any person, property, livestock or fowl.

Dogs must wear identification tags, attached to the collar, at all times when off the premises of the owner. The Town Clerk shall maintain a record of the identifying numbers and shall make this record available to the public. No person shall keep more than three (3) dogs, over the age of six (6) months, at any residence within the town.

Keeping of more than three (3) dogs over six (6) months of age shall constitute the operation of a kennel, and such shall be expressly controlled by these by-laws and subject to the specific zoning regulations of the Town of Dracut.

12.3 VACCINATION AGAINST RABIES

The Town Clerk shall not grant such license for any dog unless the owner thereof provides the Town Clerk with either a veterinarian's certificate that such dog has been vaccinated in

accordance with the provisions of Section 145B (CH 140,MGL) or has been certified exempt from such provision as outlined in Section 137 or 137A (CH 140 MGL)

Vaccinated animals shall be revaccinated periodically in accordance with the rules and regulations adopted and promulgated by the Mass Department of Public Health.

12.4 DOG TAG

The Owner or Keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable material which shall be securely attached to a tag in a form prescribed by and issued by the Town Clerk when a license is issued. Such tag shall state the following: (a) Town of Dracut. (b) Year of Issue and (c) Tag number. If any such tag shall be lost, the owner or keeper of such dog shall forthwith secure a substitute tag from the Town Clerk, the cost of which shall be two dollars.

The provision of Section 138 (Change of owner & out of state/country), Section 138A (commercial sale) and Section 146 (license valid throughout Commonwealth) of (CH 140 MGL) shall be expressly incorporated herewith and shall henceforth apply under this by-law.

12.5 LICENSE FEES /LATE FEES /PENALTIES
Fees licensing dogs shall be intact male and unsprayed female $15.00; neutered or spayed shall be $11.00. One dollar ($1.00) of each license shall be used by the Dog Officer for kennel expenses.

Late fees; Overdue fees shall be paid on any dog licensed beginning April 1 of each year in the amount of $10.00 per dog.

(Except as provided by Section 138 (CH 140 MGL). A person applying for a license hereunder shall be obligated to pay all outstanding fees related to the dog in question previously required by this or other by-laws or regulations.

CHAPTER 12 (Cont'd)

Determination of licensing eligibility, dogs not required to be licensed, or refunding license fees shall be determined as set out in Section 139 (CH 140 MGL).

Any dog, impounded by the dog officer or others duly authorized, which is not wearing a tag indicating a current rabies vaccination, shall be vaccinated by a licensed veterinarian. The owner shall be required to pay such costs.

12.5.1 KENNEL LICENSE/FEES

Any person maintaining a kennel shall have a kennel license.

Any person who meets the requirement of the Town Zoning by-laws relating to kennels and the provisions of Section 137A, (CH 140 MGL) may apply for a license to operate a Kennel. Upon approval of said application in accordance with the Zoning regulations the Town Clerk shall issue on a form prescribed and supplied by him/her a license to operate.

Fees for Kennel licenses shall be set forth as follows;

Four (4) but not more than ten (10) dogs	$50.00
More than 10 but not more than 25 dogs	$100.00

No person shall be allowed to kennel more than twenty-five dogs without an inspection of the Dog Officer who shall cause a determination to be made as to the number of dogs that said premise may house. Kennels with a permit to house more than twenty-five dogs shall be subject to a fee of $250.00. All Kennel fees shall be annual in accordance with the schedule set forth in this by-law. Additionally; any person who fails to renew a kennel license with the Town Clerk on or before April 1st of each year shall be subject to re-application for a kennel license as required by the Town Zoning by-laws.

Domestic charitable organizations incorporated exclusively to protect animals from cruelty, neglect or abuse or for relief of suffering among animals may be issued a kennel license without charge.

CHAPTER 12 (Cont'd)

The term kennel as it may be applied to any commercial operation allowed under Town Zoning, while not for the purpose of determining any fee, shall have as part of its requirement sufficient area and separate facilities to handle any animal housed within the facility, and such shall be determined by the Town Dog and/or Animal Control officer who shall within guidelines determine the number of animals and types to be housed within said kennel. No person shall house or care for any animal, reptile, warm or cold blooded deemed "illegal" or not permitted by the State regulations controlling the handling of such animals within any structure in the Town of Dracut.
The provisions of Section 137B, (CH 140 MGL) (Sale of dogs by Kennels regulated) shall be expressly incorporated into this by-law. The Board of Health, its designee, or the Dog Officer may at any time inspect, or cause a kennel to be inspected. If their judgment is that the facility is not being maintained in a sanitary and humane manner or that records are not being legally kept, a petition shall be filed with the Hearing Officer setting forth the facts. (The Hearing Officer may be the Dog Officer and/or a person so designated by the Town Manager to hear the complaint).

Within seven (7) days of receiving such petition, or a similar complaint by twenty-five (25) citizens, or a complaint of any police officer, dog officer, or town official, alleging that they are aggrieved or annoyed to an unreasonable extent by one of more dogs in a kennel (or in the case of a town officer that they have knowledge of such), because of excessive barking or the vicious disposition of said dogs, or other conditions at such kennel which they claim constitute a public nuisance, safety or sanitary violation, the hearing officer shall notify all interested parties of a public hearing, the date of which shall be within fourteen (14) days of the original filing date. No longer than seven (7) days thereafter the hearing officer shall issue one of the following orders.

a) revocation or suspension of the kennel license. In the case of suspension the time shall be specified, and the terms for reinstatement of the license included.

b) Dismiss the petition(s)

CHAPTER 12 (Cont'd)

The Hearing Officer shall forthwith mail a copy of his/her decision to the license-holder, and file copies with the Town Clerk and Dog Officer. Within ten (10) days thereafter the licensee, or aggrieved party may appeal any decision to the District Court. A person who continues to operate a kennel after its license has been revoked or suspended shall be punished as set forth elsewhere in this by-law. The provision of Section 137D(CH 140 MGL., Cruelty to Animals) shall be expressly incorporated under this by-law.

Kennels shall be limited to the amount of dogs/animals as set forth in this by-law.

Said fees are subject to all other conditions set forth in Section 139 (CH 140 MGL) as may be determined by the town.

12.6 DOG OFFICER

The Town Dog Officer shall be appointed in accordance with the specific guidelines of the Town of Dracut Charter, along with as many assistants as may be deemed necessary to enforce this by-law, said individual(s) shall enforce this by-law and perform other such duties as the Charter and/or Town Manager may determine.

The Dog Officer shall seek out , catch and confine all dogs within the town that have not been licensed within 60 days of the time the dog is required to be licensed under this by-law, or less; and shall seek out, catch and confine any dog(s) within the Town that are found to be on public property and not properly leashed and under control of the owner, keeper , or on private property where said dog is trespassing and the owner or person in control of such property wants the dog removed; said dog being in violation of this requirement of this by-law; and shall seek out, catch and confine any dog within the Town when said dog was cited for violation of any provision of this by-law, and the owner or keeper has failed within twenty-one (21) days, to avail him/herself to the provisions of this by-law, or within twenty-one (21) days of a determination of the court under the Provision of section having to do with fines/or duly assessed penalties.

CHAPTER 12 (Cont'd)

Any owner or keeper of any dog who refuses to turn over any dog to the Dog Officer upon demand, said seeking out, catching or confinement authorized in the above paragraph shall be punished by a fine of One Hundred Dollars ($100.00). Each day that said violation continues shall constitute a separate offense.

No person shall interfere with, hinder, molest or abuse a dog officer, assistant dog officer or person so empowered to exercise such responsibilities. The provisions of Section 151 and 151A (CH140 MGL) regarding killing and/or transfer of any dogs shall apply and are expressly incorporated in this by-law. No Dog Officer or Assistant Dog Officer shall be a licensed animal dealer registered with the United States Department of Agriculture, and no Dog Officer or Assistant Dog Officer, either privately or in the course of carrying out his/her official assignments as an agent for this Town, or shall any other agent of the Town, give, sell or turn over any animal which may come into custody to any business or institution licensed or registered as a research facility or animal dealer with the United States Department of Agriculture. Whoever violates the provisions of this paragraph shall be punished as provided in Section 151 (CH 140 MGL).

Duties of Officers: Each police officer, dog officer, or assistant dog officer to whom such authority is issued shall on the first week of every month, make returns to the Office of Administrative Service and shall state in said returns the number of dogs he/she has caught, confined or killed, or made available for adoption, the names of the owners, or keepers thereof and whether all unlicensed dogs in the Town have been caught, confined or killed or adopted, and the names of the persons against whom complaints have been made under the provisions of Chapter 140 MGL, and this by-law relating to dogs, and whether complaints have been entered against all of the persons who have failed to comply therewith since the previous report.

12.7 Hearing Officer: The town shall appoint a Hearing Officer who shall act on behalf of the town on all matters pertaining to the enforcement of this by-law and the settling of any disputes between dog owner/keeper(s), the Town or its residents. Appointment of said officer shall be in accordance with the Town Charter provisions for appointing town officials.

CHAPTER 12 (Cont'd)

12.8 LEASH LAW

No owner or keeper of any dog shall permit such dog to run at large at any time. The provisions of this section shall not be intended to apply to dogs participating in any dog show, nor seeing eye dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place, nor to any dogs properly trained and under the control of aiding the deaf, nor to any properly trained assistance dogs for handicapped.

Restraint of Dogs: No person shall own, keep or harbor in the Town, within the confines of the owner's property (meaning owned, rented or leased), any dog which is left unattended and is not leashed or otherwise restrained or, if outside the premises of the owner, any dog which is not firmly on a leash no greater than six (6) feet in length by a person who shall have control of such dog. This regulation shall not apply to a dog accompanying a person who, by reason of his/her disability, is physically unable to comply with the requirements of this by-law, or to any individual who utilizes a seeing eye dog. This shall not however imply or allow for the running loose or without control of any animal regardless of the conditions existing; and shall require reasonable care and control of the animal by any person with disability.

Unrestrained dogs may be taken by the dog officer or police and impounded in an animal shelter, and there confined in a humane manner. If the dog can be identified, the dog officer shall notify the owner of the impoundment. Impounded dogs shall be kept for ten (10) days unless reclaimed by their owner. Dogs not claimed within ten days (10) or not able to be placed in suitable homes may be humanely euthanized by the dog officer or by an agency delegated by him/her to exercise that authority. In addition to or in lieu of impounding a dog found at large, the dog officer or police officer shall issue to the known owner of such dog a notice of the by-law violation. Dogs being conveyed in a vehicle or boat shall be deemed to be under the control of the owner/keeper or custodian thereof.

Any dog not under special conditions described herein, and on public property without the required leash, shall be deemed "at large" or unrestrained and may be subject to the penalties described herein, including the immediate removal by the Dog Officer, Assistant Dog Officer or Police, who shall determine if such removal is warranted for the public good and/or in accordance with the provisions of this by-law. Additionally said Officer may cite as prescribed herein the person claiming to be the owner/keeper of said unrestrained dog.

1st Offense	Warning
2nd Offense	$50.00
Third and Subsequent Offenses	$100.00

12.9 PUBLIC NUISANCE/DANGEROUS DOGS:

Public Nuisance:

Definition:

Every owner or keeper of a dog shall exercise proper care and control of his/her dog as to prevent said dog(s) from becoming a public nuisance. It shall be deemed a public nuisance if any dog should trespass upon private or public property and deposit feces thereon, unless immediately removed by the owner or keeper of said dog.

Dangerous Dogs:

Definition:

A dangerous dog is a dog defined under the following conditions but not limited to:

1. Dangerous Dogs, a dog that either (1) without justification, attacks a person or domestic animal causing physical injury or death; or
2. Behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal

CHAPTER 12 (Cont'd)

The term "dangerous dog" shall not be used to describe any dog used by law enforcement officials for legitimate law enforcement purposes nor used for any specific breed of dog. A dog shall not be labeled dangerous if such injury was sustained by a person who at the time was unlawfully on the property with the intent to commit a crime or tort upon the property of the dog's owner, tormenting, abusing or assaulting said dog or if the dog was protecting its owner from an unjustified attack or assault, responding to pain or injury or was protecting or defending its young from harm.

Potentially dangerous dog - is a dog under the following conditions but not limited to: a dog that inflicts a non-severe injury to any human or domestic animal either on public or private property, provided the injured animal was on the property of its owner or under immediate control of its owner, chases or approaches a person upon public ways in a menacing or terrorizing fashion in an apparent attitude of attack that the person must take defensive action to prevent bodily harm or that poses a threat to public safety. A dog which has been found to be running at large three (3) or more times within a 12 month period. The determination that a dog is potentially dangerous under this section shall be at the discretion of the Animal Control Officer, Assistant Animal Control Officer or Police Officers. The Animal Control Officer, Assistant Animal Control Officer or Police Officers will notify the owner of such determination.

Severe injury means any physical injury that results in broken bones, severe lacerations or lacerations requiring sutures, cosmetic surgery or causing disfigurement.
The owner or keeper of a dog deemed to be dangerous or potentially dangerous shall be notified of such, in writing by the Animal Control Officer, Assistant Animal Control Officer or Police Officer.

First Offense and Subsequent Offense for Dangerous Dogs	$ 300.00

CHAPTER 12 (Cont'd)

The owner or keeper shall notify the Animal Control Officer, Assistant Animal Control Officer or Police Officer immediately if a dangerous or potentially dangerous dog is on the loose, or has attacked another human or animal, has died or has been sold or given away the owner or keeper must provide the Animal Control Officer, Assistant Control Officer or Police Officer with the name, address and telephone number of the new owner. Penalty for violation of this section shall be:

Penalty for Potentially Dangerous Dogs:

1st	Warning
2nd	$100.00
3rd	$300.00

The Animal Control Officer may request a hearing with the hearing officer under Massachusetts General Law, Chapter 140, Section 157, if the Animal Control Officer has probable cause to believe a dog is dangerous. The outcome of the hearing shall not affect the Animal Control Officer, Assistant Animal Control Officer or Police Officer the right to later declare a dog to be a potentially dangerous or dangerous dog.

FEMALE DOGS IN HEAT
Every female dog in heat shall be confined in building or secured enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding. If the female dog creates a public nuisance when in heat, the dog officer shall have the power to remove the dog from the area of distrubance to a boarding facility at the owner's expense. The Dog officer shall have the power to enforce a regulation to eliminate what he/she may deem to be a nuisance. Penalty for the violation of this section shall be :

1st Offense	$25.00
2nd Offense	$50.00
3rd and Subsequent Offenses	$100.00

NOISE DISTURBANCES, CHASING VEHICLES, TRESPASSING ETC.
No owner or keeper shall fail to exercise proper care and control of his/her dog to prevent said dog from becoming a public nuisance. Barking frequently or for continued duration (in

excess of 20 minutes) or making sounds which create a noise disturbance across a residential real property boundary, molesting of passersby, chasing vehicles, attempted attack or attack on persons, domestic livestock, other dogs, trespassing on school grounds, public parks , public or private property, in such a manner as to damage, deface or soil said property shall be considered and deemed a nuisance. Penalty for violation shall be:

1st Offense	Warning
2nd Offense	$50.00
3rd and Subsequent Offenses	$100.00

QUARANTINE OF DOG(S) THAT BITES

The owner or keeper of any dog shall immediately notify the Town Board of Health, within a period not to exceed 24 hrs, of any dog owned or kept by them that has bitten a person; including, if known, the name, address and phone number of the injured party.

The owner/keeper shall provide also evidence of current rabies certificates and current dog license of said dog.

A dog that bites a person shall be quarantined for ten (10) days if ordered by the Animal Inspector and/or Dog Officer. During the quarantine, the dog shall be securely confined and kept from contact with any other animal. At the discretion of the Animal Inspector and/or Dog Officer the quarantine may be on the premises of the owner. If the Animal Inspector and/or Dog Officer requires confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall at his/her own expense place the animal in a facility approved by the Animal Inspector and/or Dog Officer.

If said dog is in violation of one (1) or more of the following: unlicensed, unrestrained or is not currently vaccinated with anti rabies vaccine, the owner shall surrender the animal for the quarantine period to a veterinary hospital or facility approved by the Animal Inspector at the owner's or keeper's expense.

ANIMAL SUSPECTED OF BEING RABID: Except for the protection of life and person(s) in fear of injury no police officer or other person shall kill or caused to be killed any animal suspected of being rabid, except after the animal has been placed in a quarantine and the diagnosis of rabies is made by a licensed veterinarian. If a veterinarian or Animal Inspector and/or Dog Officer with competent testing proof diagnoses rabies in an animal in quarantine, then the animal shall be humanely killed and the head of such animal shall be sent to a laboratory for pathological examination and confirmation of diagnosis.

ANTI-RABIC VACCINE AND TREATMENT: The Board of Health shall, upon application, furnish free of charge to any Town resident who has been exposed to rabies, or may have been so exposed, anti-rabic vaccine and anti-rabic treatment, in accordance with the rules and regulations which the Massachusetts Department of Public Health is authorized to make. Any resident shall have the right to select his/her own physician, who shall be paid by the Town at a rate established by the Board of Health and the fact that a physician is a member of the Board of Health shall not disqualify him/her frombeing so selected and from being paid by the Town for his/her services. Reimbursement for the cost of furnishing the vaccine and treatment shall be made from the Dog/Kennel Fund.

ORDERING DOGS MUZZLED OR RESTRAINED: All the provisions of Section 167 (CH 140, MGL) shall be incorporated into this by-law except that any dog held under the provisions of Section 167 (CH 140 MGL) may not be released until all the requirements of this by-law, regarding licensing and the fee for care of the animal are complied with. All other provisions of Section 167 (CH 140 MGL) shall be incorporated herein.

12.10 DISPOSITION OF DOGS

"Any dog confined by the Dog Officer, unless picked up by the owner shall be kept for at least seven (7) days, at which time said dog may be disposed of in a manner approved by the Board of Health, and consistent with the provisions of G.L. c. 140 s. 151A, provided that at the end of seven (7) days, the Dog Officer may make available for adoption any male or any spayed female dog

not found to be diseased. In the event the dog is a female, adoption must be contingent upon the dog being spayed. Any dog confined by the Dog Officer shall not be released to the owner or keeper until the owner produces evidence of the dog license and pays for the care of the animal; each day or part of a day is counted as one day.

Any fees in this paragraph are to be in addition to fees or fines as specified elsewhere in this by-law and/or under Massachusetts General Laws. No dog shall be turned over or sold in any manner inconsistent with Section 151 (CH140 MGL) or disposed of inconsistent with provisions of Section 151A (CH140MGL).

RECLAIMING IMPOUNDED DOGS: An owner reclaiming an impounded dog shall pay an administrative fee of twenty-five ($25.00), **and** the cost of boarding charge for each day, or any part thereof, the dog has been impounded; the cost of a distemper, rabies, and kennel cough vaccination, plus all fines, current and past due (e.g., leash law violation, fine for unvaccinated, unlicensed).

The provisions of Section 160 & Section 161 (CH 140 MGL) regarding property damage, appraisal and reimbursement are expressly incorporated in this by-law.

The provisions of Section 171 (CH 140 MGL) , liability for damages, are expressly incorporated into this by-law.

12.11 INFORMAL DISPOSITION PROCESS

The owner or keeper of the dog that receives a citation under this by-law may admit to the offense charged by personally or through a duly authorized agent, or by mailing to the Town Clerk, said citation along with payment in the amount as authorized under the penalty provisions of this by-law. Said payment shall be by postal note, money order or personal check (no cash). The payment to the Town shall operate as a final disposition of the case. If such person when issued a citation desires to contest the violation through the Informal Disposition Process, he/she may, within 14 days of said issuance, request a hearing with the Hearing Officer and may present either in person or by counsel, any evidence he/she may have to refute the allegation contained

in the citation. At such hearing, the Hearing Officer shall make a determination as to the facts of the allegation, and said determination shall be final regarding the Informal Disposition Process.

12.12 NON-CRIMINAL DISPOSITION OF VIOLATION

If any person so notified by citation desires to contest the violation alleged in the citation without availing themselves to the provisions of the Informal Disposition Process, or desires to contest the decision of the Hearing Officer, he/she may avail him/herself to the procedures established in the town of Dracut by-laws covering non-criminal disposition. In either of the above cases, or if the owner or keeper of a dog fails to respond to the citation within twenty-one (21) days, the Town Clerk and/or Dog Officer shall forward a copy of the citation to the District Court.

12.13 BY-LAW VIOLATION

Proceedings under this section shall not be criminal. If any violation is continuing, each day's violation shall be deemed to be a separate violation. Complaints sought in a District Court shall be in accordance with the provisions of Chapter 140, Section 173A, Massachusetts General Laws.

Enforcement of this section may, in the first instance, be pursued through the provisions of Section 21D, Chapter 40, Massachusetts General Laws, which provides for a Non-Criminal Disposition. The enforcing persons shall be any police officer of the town, Dog Officer, Animal Inspector and Assistant Dog Officer.

12.14 PENALTY- BY-LAW VIOLATION

The following penalties except where otherwise indicated herein, shall be in effect for violations of the provisions of this by-law:

CHAPTER 12 (Cont'd)

(a) Informal Disposition Process

1st Offense	$ 25.00
2nd Offense	$ 50.00
3rd or Subsequent Offense	$100.00

(b) Non-Criminal Disposition

1st Offense	$ 50.00
2nd Offense	$100.00
3rd or Subsequent	$150.00

Penalties for violations of any provision of this by-law, except where otherwise indicated shall be $100.00

Each day of all said violations shall constitute a separate offense. Offenses shall be cumulative and shall not be based on annual license periods.

12.15 DOG FUND

A Dog fund is hereby created by the Town under the provisions of MGL CH 44 S53
E 1/2, said funds to be used as a depository of monies collected as fees, fines, charges, penalties and other like monies imposed under this by-law. It shall be administered by the Town Clerk and deposited in keeping with the standard municipal practices as were administered by the Town Clerk; under the procedures established under the previous Middlesex County reports. The Town Clerk shall report on a monthly basis the receipts collected herein and make payment of same to the Town Treasurer on forms approved by him/her. In addition the fund may also receive funds from usual municipal financing methods. Expenditures shall be charged against this fund without prior appropriation and in keeping with the practices covered by the previous administration of said funds with the approval of the town clerk. Expenditure of said funds shall be directly related to the administration and enforcement of the provisions of the Dog by-law.

Expenditures shall not exceed, nor incur liability, in excess of the available balance of the fund at any given time, nor the actual amounts deposited to it during the previous fiscal year.

Any veterinarian registered under the provisions of Section 55 or 56A (CH 112 MGL)) who provided emergency treatment of a dog or cat that is injured on any public way in Dracut shall receive (in lieu of payment allowed in Section 151B CH 140 MGL), payment from the Dog Fund provided by this by-law. All other provisions of Section 147, 151B(CH 140 MGL) and as otherwise provided by law shall be incorporated herein under this by-law.

12.16 MASSACHUSETTS GENERAL LAWS INCORPORATED INTO THIS BY-LAW.

The provisions of the following sections of Chapter 140 of the Massachusetts General Laws, as may be Amended from time to time shall be incorporated and apply to this by-law as referred to in this article;
Section:
137 Registration and Licenses
137B Sale of Dogs by Kennels Regulated
137D No Dog Licenses to Persons Convicted of Cruelty to Animals
138 Licenses
138A Importation of Dogs and Cats for resale
139A Shelters; sale of gift of dog or cat not spayed or neutered
141A Penalties for failure to License
145B Rabies Vaccination
147 Issuance of Licenses & disposition of fees
147A By-Laws & Ordinances relative to regulation of dogs
149 Accounts
150 Dog Listing
153 Form of Warrant
155 Liability for Damage to Persons or Property
155A Indemnification
156 Any person may kill Dog, Under certain Circumstances
157 Vicious Dogs
158 Killing of Vicious Dogs
159 Treble Damages for Injuries
160 Bond by Owner or Keeper
161A No Reimbursement in Certain Cases

162 Reward for Killing or Evidence in Certain Cases
163 Notice to Owner to Kill or Confine Dog
164 Penalty for Failure to Kill or Confine
166 Damaged parties, Choice of Remedies
168 Penalty for Failure to Muzzle or Restrain
169 Neglect of Duty by any Officer, Penalty
171 Liability of Dog Owner for Damage
173A Disposition of Complaints for Violation of Dog Control Laws
174 Recovery of Fines & Penalties
174A Regulating Killing of Dogs
174B Dogs to be Restrained in Certain Rest Areas
174D Research Institutes

12.17 EFFECTIVE IMPLEMENTATION DATE OF THIS BY -LAW

This by-law shall go into effect on December 31, 1997 and until said date, current practice shall continue, along with the inclusion of all applicable Massachusetts General Laws applicable to the control and Licensing of Dogs. It is the intent of this by law to continue the general practice now in place for the protection of the public and the licensing of Dogs within the Town of Dracut.

12.18 SEVERABILITY

If any section , subsection, sentence, clause or phrase of this by-law is for any reason held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining portions of this by-law. No provision or interpretation of a provision of this by-law is intended to be either in conflict with or an attempt to change any statutory provision in Chapter 140, Massachusetts General Law, pertaining to dogs.

12.19 SCHOOL ZONE

School Zone - No owner or keeper shall permit such dog to run at large in any "School Zone" which shall be within 300 feet of school boundary or boundary of the School Department Property.

CHAPTER 12 (Cont'd)

This will apply to any dog, which is unattended and is not leashed or otherwise restrained by the owner or keeper. The violation will be in addition to any other violation of the Town by laws pertaining to Dog Control. Penalty for violation shall be:

1st Offense	$50.00
2nd and Subsequent Offenses	$100.00

AMENDMENTS - CHAPTER 12

CHAPTER 12 -	Amended in entiirety Article 18, Nov. 18, 1997
Section 5 -	Amended - Article 13 - November 4, 2013
Section 8 -	Amended - Article 18 - November 3, 2003
Section 9 -	Amended - Article 16 - November 3, 2003
	Amended - Article 26 - June 2, 2003
	Amended - Article 12 - November 4, 2013
Section 10 -	Amended - Article 16 - October 7, 2002
	Amended - Article 17 - November 3, 2003
	Amended - Article 6 - November 7, 2005
	Amended - Article 14 - November 4, 2013
Section 12.5 -	Amended - Article 21 - June 7, 2010
Section 12.8 -	Amended - Article 21, June 7, 2010
Section 12.9 -	Amended - Article 21, June 7, 2010
Section 19 -	Added - Article 19 - November 3, 2003
	Amended - Article 7 - November 7, 2005

TOWN OF DRACUT
BY LAWS

CHAPTER 13

Section 1 - All percolation tests shall be done in accordance with Title 5 of the State Environmental Code. Minimum requirements for the Subsurface Disposal of Sanitary Sewage adopted on May 20, 1977 and effective July 1, 1977 and as may be amended. Deephole tests to determine high water elevations shall be performed only in the months of March, April and May and must be performed otherwise in accordance with Title 5 of the State Environmental Code.

Section 2 - No soil, loam, sand or gravel shall be removed from land not in public use in the Town of Dracut unless such removal is approved by the Board of Appeals, and a permit for the same is granted by the Board of Appeals. This by-Law is made under the authority of the General Laws Chapter 40, Section 21, Subsection 17.

Section 3 - It is required that owners of land, which has been excavated, to erect barriers and to take suitable measures within five days after such owners have been notified in writing by the Selectmen, that in their opinion, such excavation constitutes a hazard to public safety.

Section 4 - No person or persons shall have more than one unregistered car, truck or motor vehicle ungaraged on his premises in any district within the Town at any time unless authorized by the Board of Selectmen. Authorization granted by the Board shall not exceed a reasonable time limit and its purpose shall be for the registering or removal of said vehicle. In no event shall an unregistered, unsightly motor vehicle, car, truck be stored in the front yard area. (Exceptions shall be those instances where authorization is by a permit granting authority.

Section 5
1. Self-service gas stations shall mean that type of gas station wherein motor fuel is dispensed by anyone other than an employee of the gas station.

2. Notwithstanding any other provisions of this By-Law, self-service gas stations shall be permitted in the Town of Dracut.

CHAPTER 13 (Cont'd)

3. Any automobile lubricating, Service or Gas Station engaging in the sale, by retail, or petroleum products shall not be open for business between 12:00 midnight and 4:30 ante meridian on the following day, except that the Board of Selectmen may enlarge the hours for doing business for any one establishment after a public hearing with due notice to abutters.

Section 6 - Every contract exceeding one thousand dollars ($1,000.00 shall be contracted for by competitive bid.

Section 7 - Any obsolete equipment, material or personal property owned by the Town and in the custody and control of a specific department and, in the opinion of the Department Head and the Board of Selectmen, having a value of one hundred dollars ($100) or more, may be disposed of by the Department Head by Public Auction. All monies received there from to be turned into the General Treasury.

Section 8 - The Moderator is authorized to appoint a committee of nine (9) members for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with programs of the Commission on Aging, as authorized under Section 73 of Chapter 6, and Clause 49 of Section 5 of Chapter 40 of the General Laws, the council shall submit an annual report to the Town and send a copy thereof to the commission on aging who will from time to time review and evaluate such reports and make recommendations as to any required or needed changes in said local programs.

Section 9 - The Sale of Lands Committee, established under Article 13, of the Annual town Meeting held on February 9, 1932, shall be required to publish each year in the Annual Town Report, the following information:

A. The name and address of each person who purchased Town owned land during the preceding year.
B. The purchase price of each parcel of land sold.
C. The assessed value of each parcel of land sold.
D. The location of each parcel of land sold.

CHAPTER 13 (Cont'd)

Section 10 - Within one year after entry of a final decree in the Massachusetts Land Court foreclosing the equity of redemption in any land or buildings as have come to the Town through tax sales in compliance with the provisions of General Laws Chapter 60, Section 77 and 80, the Sale of Land Committee established under Article 13 of the Annual Town Meeting of 1932 shall be required to hold a Public Auction for the sale of such lands and buildings; the time, place and conditions of which to be published in a newspaper of general circulation in the Town at least fourteen (14) days prior to said auction.

At least sixty days prior to conducting any public auction called for above, the Sale of Land Committee shall forward to the Board of Selectmen and the Community Preservation Committee a list of proposed properties to be sold. Should the Board of Selectmen, by majority vote of its members, request that one or more parcels and/or buildings not be sold then the Sale of Land Committee shall remove same from the Public Auction.

Section 11 - Whenever Out-of-State travel is required of any and all Town employee(s). The maximum per diem allowance shall be as follows:

1. Transportation - Actual cost, except that no employee using public transportation shall travel first class.

2. Lodging - Actual cost, however, the maximum per diem allowance shall not exceed $100.00

3. Meals and all other incidental expenses - the maximum per diem allowance shall not exceed $25.00.

Travel by all Town employee(s) must be approved, in advance of the planned travel, by the Town Manager. The following information must be submitted to the Town Manager, by the Department Head, prior to any anticipated expenses being incurred.

A. Name(s) of participant(s)
B. Date(s) of convention/conference
C. Purpose and nature of trip

D. An itemized list of anticipated expenditures each participant including but not limited to plane fare, registration fees, room costs, meal costs, and any other expenses which may be anticipated.
E. Total estimated cost(s) of the trip(s)

Failure to follow the above procedures shall result in the Town Accountant's refusal to authorize the payment of any vouchers submitted for payment for said travel.

Section 12 - No person shall smoke or have in his possession any lighted cigar, cigarette, or other tobacco product in a public building in the Town of Dracut, other than personal offices and specifically designated areas only, if any, in the library.

Section 13 - Noise Abatement:
No use shall be permitted within the Town of Dracut which, by reason of excessive noise generated therefrom, would cause nuisance or hazard to persons or property. Exempt from the provisions of this subsection are (a) vehicles not controlled by an owner or occupant of a lot within the Town, (b) temporary construction activities occurring during the hours of 7 a.m. to 6 p.m. on weekdays, (c) occasionally used safety signals, warning devices, emergency pressure relief valves, or other such temporary activity and (d) use of power tools and equipment such as lawn mowers, snow-blowers, chain saws, tractor and similar equipment for the maintenance of property.

For the purpose of this By-Law the standards in the following Table shall apply:

NOISE STANDARDS: TABLE 1

For sound generated continuously from any source not otherwise exempted above, and measured	Maximum permitted Sound Levels (in dBA)*
(a) At the lot line of an adjacent or nearby residence of institutional use, Sundays or during the hours of 7 a.m. to 6 p.m.	60

CHAPTER 13 (Cont'd)

(b) At the lot line of an adjacent or nearby residence or institutional use, Sundays or during the hours of 6 p.m. to 1 a.m. weekdays	50
(c) At the lot line of an adjacent Business use.	65
(d) At the lot line of an adjacent Industrial use.	70

* DBA shall mean the A-weighted sound pressure levels in decibels, as measured by a General Purpose Sound Level Meter complying with the provision of "American National Standards Institute". The instrument shall be properly calibrated and set to the a-weighted response scale, and the meter set to the slow response. Reference pressure shall be 0.0002 microbars.

EXCEPTIONS FOR INTERMITTENT NOISE. The levels (dBA) specified in Table 1 may be exceeded by 10 dBA, weekdays during the hours of 7 a.m. to 6 p.m. but not at any other time, for a period not to exceed twenty minutes during any other day.

IMPACT NOISE. Impact Noise such as from a punch press, drop forge hammer, of similar equipment, shall be measured using the fast response of the Sound Level Meter, and shall not exceed the levels specified in Table 1 by more than 10 dBA.

Section 14 - There shall be no use of the Town owned property/public property to allow recreational vehicles. Recreation vehicles, commonly referred to as ATV's of any make or type, mopeds*, scooters*, motorcycles*, dunebuggies or any homemade vehicles whose purpose if for off-road use, shall not be authorized access to Town land.

Violations of this By-Law shall be punishable to the full extent of the law, including but not limited to trespass, malicious damage and shall in addition be subject to a fine for the violation of this By-Law in the sum of $150.00 (One Hundred Fifty Dollars) for the first, and $300.00 Three Hundred Dollars) for the second and subsequent offense.

*Vehicles so designated shall, if properly registered, insured, licensed and operated by a qualified operator, shall be entitled the use of the common ways usually traversed by public and private vehicles.

Recreational Vehicles

A. This by law is enacted for the purpose of placing restrictions on the operation of certain recreational vehicles, including but not limited to so called dirt bikes, ATV's, 4x4's and snowmobiles within the Town of Dracut.

B. The Town is acting pursuant to home rule vested in the Town by the Massachusetts Constitution and the Massachusetts General Laws (MGL) to address a concern regarding public safety of the residents of the Town of Dracut.

C. The use of two, three, or four wheeled recreational vehicles, as partly defined in MGL C 90B sec 20, more commonly known as " Dirt Bikes or ATV's is hereby prohibited on any land in the Town except that land for which an operator of said vehicle(s) has on his/her possession written permission from the owner or lessee of said land.

D. No such permitted use of private property by an operator of a vehicle, as described herein, shall occur between the hours of 9:00 PM and 10:00 AM.

E. Any person or owner of land found to be in violation of this by-law shall pay a fine of $100.00 for the first offense, $200.00 for the second offense, and $300.00 for the third and subsequent offense(s). Each violation shall constitute a separate offense.

F. This by-law may be enforced by a non-criminal disposition. The Dracut Police Department, or any other law enforcement agency shall be the enforcing agents for the Town.

G. This by-law shall not pertain to boats, trailers, recreational campers or any duly registered on-road/water vehicle. Any registered vehicle which chooses to operate off road shall be subject to the provisions contained herein.

CHAPTER 13 (Cont'd)

Section 15 - FIRE LANES

1. On all new and existing shopping center complexes, the driveways that run adjacent to the building shall be no less than 30 feet wide.

Fire Lanes shall be a minimum of 15 feet in width, running from the curb to the center of the driveway, and shall be properly marked. The remaining 15 feet can and should be used as a driveway.

MARKINGS: The markings will be the standards traffic safety size letters with the word **"NO PARKING - FIRE LANE"** painted on the macadam, along with hash marks or accents marks to attract the attention of the possible violator. Signs reading **"NO PARKING - FIRE LANE"** also will be posted on the building in conspicuous places, no more than 100 feet between each sign.

2. On all new and existing apartment complexes, and condominium complexes Fire Lanes will be as follows:

A minimum of 25 feet will be established for fire lanes or driveways. They will be clearly marked, properly maintained and kept clear of parked vehicles.

MARKING: The marking will be the words **"NO PARKING - FIRE LANE"** painted on the macadam, using the standard traffic safety letters. In conjunction with the painting on the roadways, signs will be posted reading as follows: **NO PARKING - FIRE LANE.**

3. On all new and existing private and public schools, Fire Lanes shall be those ways immediately surrounding and adjacent to said schools.
A minimum of 20 feet will be established for fire lanes or driveways. They will be clearly marked, properly maintained and kept clear of parked vehicles.

MARKING: The marking will be the words **"NO PARKING - FIRE LANE"** painted on the macadam, using the standard traffic safety letters. In conjunction with the painting on the roadways, signs will be posted reading as follows: **NO PARKING - FIRE LANE.**

CHAPTER 13 (Cont'd)

4. On all new and existing restaurants, Fire Lanes shall be those ways immediately surrounding and adjacent to said restaurants.

A Minimum of 25 feet will be established for fire lanes or driveways. They will be clearly marked, properly maintained and kept clear of parked vehicles.

MARKING: The marking will be the words **"NO PARKING - FIRE LANE"** painted on the macadam, using the standard traffic safety letters. In conjunction with the roadway, signs will be posted reading as follows: **NO PARKING - FIRE LANE.**

5. On existing structures the property owner may petition the Town for a waiver of the footage or area requirements for fire lanes. Such requests shall be submitted in writing to the Fire Chief and Police Chief who shall make a recommendation to the Town Manager.

6. On all new buildings regardless of the designated use group under the Massachusetts Building Code but excluding one and two family dwellings, shall have Fire Lanes in accordance with the National fire Protection Association. Said Fire Lanes shall be paved and meet the approval of the Authority having jurisdiction (Fire Chief). All fire lanes and access routes must accommodate the designed vehicle type single bus unit as outlined in the American Association of State Highway Transportation Officials, relative to turns and radius requirements.

All waivers granted under this section shall be approved by the Town Manager.

PROVISIONS OF ENFORCEMENT
Any person who places or parks a motor vehicle in a Fire Lane or who violates any of the provisions of the Fire Lane by-Law hereby adopted, or fails to comply therewith, or shall violate or fail to comply with any order made thereunder, or who shall fail to comply with such order as affirmed or modified by the Chief of the Fire Department, the Chief of the Police Department, or by

Court or competent jurisdiction shall severally, for each and every such violation or non-compliance with any lawful order shall constitute a separate offense.
Article 6 - Annual Town Meeting, November 18, 1987

Section 16 - HANDICAPPED PARKING

(A) AUTHORITY AND PURPOSE. This By-Law is enacted pursuant to Section 21. clause (23), of Chapter 40, Massachusetts General Laws, with and for the express intention of providing safe and convenient access to public facilities for handicapped persons.

(B) REQUIREMENT FOR RESERVING HANDICAPPED PARKING. Any person, firm, corporation, partnership, or other entity that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwelling, or for any other licensees, is hereby required to reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by Section 2 of Chapter 90, in accordance with the following formula.

For parking spaces in any such areas that are:

- more than fifteen but not more than twenty-five, one parking space:
- more than twenty-five but not more than forty, five per cent of such spaces, but not less than two;
- more than forty, but not more than one hundred, four percent of such spaces, but not less than three:
- more than one hundred, but not more than two hundred, three percent of such spaces, but not less than four:
- more than two hundred, but not more than five hundred, two percent of such spaces, but not less than six:
- more than five hundred, but not more than one thousand, one and one-half of such spaces, but not less than ten:
- more than one thousand, but not more than two thousand, one percent of such spaces, but not less than fifteen:

- more than two thousand, but less than five thousand, three-quarters of one percent of such spaces, but not less than twenty:
- more than five thousand, one half of one percent of such spaces, but not less than thirty.

(C) IDENTIFICATION OF HANDICAPPED PARKING SPACES. Parking spaces designated as reserved under the provisions of this by-Law shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words,

"HANDICAPPED PARKING": shall be as near as possible to a building entrance or walkway: shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped

person: and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them.

(D) PENALTIES. Any person who places or parks any motor vehicle not designated with handicapped plates as provided for under Section 2 of chapter 90, Massachusetts General law, or who obstructs any curb ramp designated for public way, shall be punished by fine of fifteen dollars ($15.00) for each offense.

Section 17 - Deleted Article #14 October 7, 2002

Section 18 - INTEREST - WATER/SEWER BILLS
Water and Sewer bills issued by the Town shall be due and payable thirty (30) days after the issuance and thereupon, if not paid, shall be charged interest at the prevailing rate of interest for tax bills as allowed by Massachusetts General Laws.

Section 19 - LICENSE/APPLICATION DENIAL, REVOKE OR SUSPEND
Any Board , Commission or Authority of the Town of Dracut authorized to issue licenses or permits may deny any application for, or revoke or suspend any license or permit including renewals, and transfers thereof for any person, corporation, business enterprise who has neglected or refused to pay any local

taxes, fees, assessments, betterments or any other municipal charge.

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

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals, and transfers of any party whose name appears on said list provided, however, that the written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation, or suspension of said license or permit to any party.

The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

(c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing to issue a

certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided however, that the holder be given notice and a hearing as required by applicable provisions of law.

(d) The Board of Selectmen may waive such denial suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight (268) in the business or activity conducted in or on said property.

This by-law shall not apply to the following licenses and permits: open burning; MGL section 13 of Chapter forty-eight (48); bicycle permits; MGL section eleven A of Chapter eighty-five (85); MGL sales of articles for charitable purposes, section thirty-three of Chapter one hundred and one(101); children work permits, MGL section-nine of Chapter one hundred and forty-nine (149); clubs, associations dispensing food or beverage licenses, MGL section twenty-one E of Chapter one hundred and forty (140); dog licenses, MGL section hundred thirty-seven of chapter one hundred forty (140); fishing, hunting, trapping license, MGL section twelve of Chapter one hundred and thirty-one (131); marriage licenses,MGL section twenty-eight of Chapter two hundred and seven (207) and theatrical events, public exhibition permits, MGL section one hundred and eighty-one of Chapter one hundred and forty (140).

Section 20 - DISCHARGE OF FIREARMS

No person shall fire or discharge any firearms or explosives of any kind within the limits of any highway, park, or other public property except with the written permission of the Board of Selectmen; or any other private property of another, except with the written consent of the owner, or legal occupant thereof; provided however, that this By-Law shall not apply to the lawful defense of life or property nor to any law enforcement officer acting in the discharge of his duties. Any person violating this By-Law may be enforced under the non-criminal disposition provision of Massachusetts General Laws, Chapter 40, Section 21D.

CHAPTER 13 (Cont'd)

Section 21- Non-Alcoholic Beer/Malt Beverage
It shall be unlawful for any person, business, corporation, or partnership to sell or caused to be sold non-alcoholic beer or any malt beverage with any alcoholic content, however much reduced to any person not of legal drinking age in the Commonwealth of Massachusetts.

Whoever violates any provision of this section shall be fined three hundred ($300.00) dollars per offense.

TOWN OF DRACUT
BY LAWS

AMENDMENTS - CHAPTER 13:

Section 1 - Article 70 - April 20, 1974
Section 2 - Article 6 - March 8, 1958
Section 3 - Article 49 - March 6, 1965
Section 4 - Article 46 - March 6, 1965
Section 5 - Subsection 2: Amended - Article 21 - June 5, 2000
- Subsection 1 & 2: Article 84 - June 20, 1978
- Subsection 3: Article 8 - May 23, 1983
Section 6 - Article 70 - March 21, 1970
Section 7 - Article 93 - May 12, 1981
Section 8 - Article 15 - March 13, 1971
Section 9 - Article 92 - May 14, 1975
Section 10 - Article 92 - May 14, 1975
Section 10 -Article 5- November 7, 2005 (repealed in its entirety and replaced)
Section 11 - Article 17 - June 8, 1987
Section 12 - Article 3 - May 23, 1983
Section 13 - Article 40 - November 12, 1986
Section 14 - Article 6 - November 18, 1987
Section 14 - Amended - Article 20 - June 5, 2000
- Amended - September 12, 2002/Scribner's Error Page 84, Sec D
Section 15 - Article 6 - November 18, 1987
Section 15 - Amended - Article 22 - June 2, 2008
Section 16 - Article 16 - November 18, 1987
Section 17 - Article 17 - November 5, 1990
Section 17 - Article 14 - October 7, 2002 - Deleted
Section 18 - Article 1 - November 2, 1992 - Added
Section 19 - Article 4 - November 2, 1992 - Added
Section 20 - Article 10 - November 2, 1992 - Added
Section 21 - Article 5 - November 8, 1993 - Added

Previous Section 8 - Article 4 - November 5, 1990 - Deleted
Previous Section 9 - Article 16 - November 5, 1990 - Deleted
Previous Section 13 - Article 9 - November 5, 1990 - Deleted

CHAPTER 14

SEWER USE REGULATIONS

A BY-LAW REGULATION OF THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S): IN THE TOWN OF DRACUT, COUNTY OF MIDDLESEX AND STATE OF MASSACHUSETTS.

Be it ordained and enacted by the Town of Dracut, Commonwealth of Massachusetts as follows:

Purpose.

These regulations are designed to serve the following purposes:

a) to promote the efficiency of the sewer system;

b) to limit the number of sewer extensions in an effort to conserve citywide resources pertaining to wastewater treatment; and

c) to provide for orderly growth.

Effect of Regulations.

These regulations shall apply Town wide and shall supercede all other Rules and Regulations to the extent such other Rules and Regulations contradict these regulations.

End of Introduction

CHAPTER 14 (Cont'd)

ARTICLE I

Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this by-law shall be as follows:

Sec. 1 "The Applicant" or "Owner" shall mean any person requesting approval to discharge Industrial Wastes or wastewater into a public sewer or Wastewater works of the Town.

Sec. 2 "Approval" shall mean written approval of the Board.

Sec. 3 "Available"—A public sewer shall be considered Available when the property upon which a building is situated abuts a street, alley, Easement, or right of way in which a Public Sewer is located. If said property line is more than one hundred seventy five (175) feet from the nearest Public Sewer, application may be made in writing to the Board to declare the public sewer "Not Available".

Sec. 4 "Best Management Practices"—Practices such as preventive maintenance, scheduling of activities, or process alterations, which enable the user to comply with the provisions of this ordinance or any applicable state and/or federal guidelines.

Sec. 5 "Biochemical Oxygen Demand" (denoted "BOD") shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter.

Sec. 6 "Board" shall mean the Dracut Board of Sewer Commissioners, or their duly authorized deputy, agent or representative(s).

Sec. 7 "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil or waste pipe, inside the walls of the building, and conveys it to the Building Sewer, beginning ten (10) feet outside the inner face of the building wall.

Sec. 8 "Building Sewer" shall mean the extension from the building drain commencing at a point ten (10) feet outside the inner face of the building wall and extending to the public sewer or other place of disposal.

Sec. 9 "Combined Sewer" shall mean a Public Sewer receiving both Surface water and Wastewater.

Sec. 10 "Commercial Unit" shall mean each separate business within a commercial building; or, mean one unit for every three thousand (3,000) square feet of floor space, or major portion thereof, exceeding an initial three thousand (3,000) square feet of floor space in a commercial building. Commercial Buildings with one separate business containing less than three thousand (3,000) square feet of floor space shall mean one Commercial Unit.

Sec. 11 "Compatible Pollutants"—Wastewater constituents for which the Publicly Owned Treatment Works (POTW) was designed or is operated to adequately treat.

Sec. 12 "Domestic Wastes"—The liquid wastes (A) from the non-commercial preparation and handling of food or (B) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and/or institutions.

Sec. 13 "Drain Layer"—A general term applied to one in the business of, and licensed by the Board for laying drains from existing Public Sewers to the Building Drain of residential buildings, commercial buildings, industrial buildings, and similar structures and properties.

Sec. 14 "Drain Layers License" shall mean an authorization by the Board of Sewer Commissioners issued to a contractor to perform work on the sanitary sewer system. Drain Layers licenses shall be required for all work greater than 10 feet outside of a building wall.

Sec. 15 "Easement" shall mean an interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

Sec. 16 "Eligible Sewer Extension"—A sewer extension deemed "eligible" shall not be entitled to a permit unless all other requirements of these regulations have been satisfied. The depiction of a sewer extension as "eligible" shall not be construed as a representation that the Town shall set aside funds for the construction of said sewer extension.

Sec. 17 "Equalization of Waste Flows" shall mean an averaging of variations in flow and composition of Wastewater from particular sources by an equalizing basin or other means to provide a flow of reasonably uniform volume and composition prior to discharge into a Public Sewer.

Sec. 18 "Excessive"—Amounts or concentrations of a constituent of Wastewater, which, in the judgment of the Board A) will cause damage to any town facility; (B) will be harmful to a Wastewater treatment process; (C) cannot be removed in the Town's treatment works to the degree required to meet the discharge permit; (D) can otherwise endanger life, limb or public property; or (E) can constitute a nuisance.

Sec. 19 "Facilities"—Structures and conduits for the purpose of collecting, treating, neutralizing, stabilizing or disposal of domestic wastewater and/or industrial or other wastewaters including treatment and disposal works, intercepting sewers, outfall and outlet sewers, pumping stations and all equipment and furnishings integral therewith.

Sec. 20 "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Sec. 21 "Grab Sample"—A sample which is taken from a wastestream on a one-time basis with no regard to the flow of the wastestream and without consideration of time.

Sec. 22 "Holding Tank Waste"—Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

Sec. 23 "Indirect Discharge"—The discharge or the introduction of non-domestic pollutants from any source into the POTW; (including holding tank waste discharged into the system).

Sec. 24 "Industrial Unit" shall mean each separate manufacturer within an industrial building; or mean one unit for every two thousand five hundred (2,500) square feet of floor space, or major portion thereof, exceeding an initial two thousand five hundred (2,500) square feet of floor space in an industrial building. Industrial buildings with one separate manufacturer containing less than two thousand five hundred (2,500) square feet of floor space shall mean one Industrial Unit.

Sec. 25 "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing, processing, trade, or as distinct from Wastewater discharged from residences or from commercial establishments whose Wastewater is similar strength to that discharged from residences.

Sec. 26 "Lowell" shall mean the City of Lowell, County of Middlesex, Commonwealth of Massachusetts.

Sec. 27 "Milligrams per Liter" shall mean the unit of the concentration of water or wastewater constituent. It is 0.001 gram of the constituent in one (1) liter of water.

Sec. 28 "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 29 "Oil and Grease"—Any material (animal, vegetable or hydrocarbon) which is extractable from an acidified sample of a waste by Freon or other designated solvent and as determined by the appropriate standard procedure.

Sec. 30 "Pass-Through"—The discharge of pollutants through the POTW in quantities or concentrations which alone or in conjunction with discharges from other sources are a cause of a violation of any requirement of the POTW's discharge permit (including an increase in the magnitude or duration of a violation).

Sec. 31 "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Sec. 32 "pH" shall mean the logarithm, to the base of 10, of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Sec. 33 "Pretreatment" shall mean any treatment of Wastewater to make it suitable for discharge into a Public Sewer.

Sec. 34 "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

Sec. 35 "Public Sewer" shall mean a sewer in which all Owners of abutting properties have equal rights, and is controlled by public authority.

Sec. 36 "Publicly Owned Treatment Works" or "POTW"—The town-owned wastewater treatment plant including all sewers and pumping stations used to convey wastewater to the treatment plant. Also includes all piping and facilities associated with the disposal of treated effluent and wastewater sludge.

Sec. 37 "Receiving Waters" shall mean the body of water to which the Publicly Owned Treatment Works discharges its effluent.

Sec. 38 "Residential Unit" shall mean each single family building as being one unit; or each dwelling unit in a multiple family dwelling as being one unit. For the purpose of this section, multiple family dwellings shall be deemed to include, but not limited to, more than single-family buildings, apartment houses, apartment complexes, town houses, condominiums, motels, hotels, or as determined by the Board.

Sec. 39 "Sanitary Sewer" shall mean a Public Sewer that carries Wastewater and to which storm, surface, and groundwaters are not intentionally admitted.

Sec. 40 "Septage" shall mean the wastes from holding tanks such as chemical toilets, campers, or trailers; and wastes from septic tanks and cesspools.

Sec. 41 "Sewer" shall mean a pipe or conduit for carrying wastewater.

Sec. 42 "Sewer Expansion Program" – The proposed sewer alignments documented in the Comprehensive Wastewater Management Plan/Final Environmental Impact Report and approved by the Board and the Massachusetts Executive Office of Environmental Affairs on March 16, 2001.

Sec. 43 "Sewer Extension"—A Sewer Extension is a sewer pipe and appurtenant works designed or installed to accept more than one sewer connection, including the extension of an existing sewer main.

Sec. 44 "Sewer Extension Permit"—The document issued by the Town of Dracut Sewer Department, as set forth in Article VI, Section 1.

Sec. 45 "Shall" is mandatory; "May" is permissive.

Sec. 46 "Slug" shall mean any discharge of water, Wastewater, or Industrial Waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.

Sec. 47 "Storm Drain" (sometimes termed "Stormed Sewer") shall mean a conduit, which carries storm and surface waters and drainage, but excludes Wastewater and Industrial Wastes, other than unpolluted cooling water.

Sec. 48 "Superintendent" shall mean the Superintendent of the Sewer Department of the Town of Dracut or his authorized deputy, agent or representative.

Sec. 49 "Suspended Solids" (denoted SS) shall mean solids that either float on the surface of, or are in suspension in water, Wastewater, or other liquids, and which are removable by laboratory filtration.

Sec. 50 "Town" shall mean the town of Dracut, in the County of Middlesex, Commonwealth of Massachusetts.

Sec. 51 "Wastewater"—The spent water of a community which may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.

Sec. 52 "Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating wastewater.

Sec. 53 "Wastewater Works" shall mean all facilities for collecting, pumping, treating, and disposing of wastewater.

Sec. 54 "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

End of Article I

ARTICLE II

Use of Public Sewers Required

Sec. 1 **Unlawful Discharges.** It shall be unlawful to deposit, discharge, or otherwise dispose of any Wastewater in any manner other than by those methods which are approved by the Board.

Sec. 2 **Board Approval of Discharges.** It shall be unlawful to discharge any wastes, Wastewater or industrial wastes to a natural outlet without proper treatment and approval by the Board.

Sec. 3 **Variation From the Rules and Regulations.** Any variation from these Rules and Regulations shall receive the unanimous approval of the Board before implementation.

Sec. 4 **Connection to Public Sewers Required.** The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley, Easement, or right-of-way in which there is located an Available (as defined in Article I) public sewer of the Town, can connect at their expense to such sanitary facilities as exist directly with the proper public sewer in accordance with these rules and regulations, within two (2) years from the date on which the Sewer Department notifies the owner of the property that public sewer is available for a fee of two hundred dollars ($200). After the designated two-year period, the connection fee shall increase to three thousand five hundred dollars ($3,500). Additionally, persons with failed cesspools or septic systems shall be required to connect to the public sewer within a shorter time period, as determined by the Board of Health or other appropriate authority.

Sec. 5 **New Construction.** All persons proposing to construct new buildings within the Town shall have the plans of such construction approved by the Board prior to obtaining a building permit from the inspector of buildings.

Sec. 6 **Sewer Construction for New Developments.** All definitive plans submitted to the Dracut Planning Board under provisions of M.G.L. Chapter 41, the purpose of which is described in Section 81M, shall also be submitted to the Dracut Board of Sewer Commissioners, by certified mail, return receipt requested, or at the office of the Board during regular business hours, where the Board shall give appropriate receipt for the plan, the date of mailing or the date of receipt shall be the time of filing. The Board, shall, within thirty-five days after the plan is filed, report to the Planning Board in writing, approval or disapproval of said plan, and in the event of disapproval, shall make specific findings and the reasons therefore in such report, and where possible, shall make recommendations, for the adjustments thereof. The failure of the Board to act within such thirty-five day period shall be deemed to be approval of such plan under this section. Nothing contained herein shall be construed as to relieve a person from complying with any other provisions of these regulations.

Sanitary sewers and appurtenances shall be constructed within a development in anticipation of the extension of an existing Sanitary Sewer line if the Town is in planning, design or construction phase for Sanitary Sewers.

If a development is a subdivision requiring approval under the Subdivision Control Law, as amended, the purpose of which is described in M.G.L. Chapter 41, Section 81M, then the developer shall construct Sanitary Sewers in the proposed streets or right-of-ways.

Connection to a public sewer shall be required if the development is within a total distance (measured radially), from any existing Sanitary Sewer to any property line of the development, on a basis of one hundred seventy five (175) feet per Residential, Commercial, or Industrial Unit.

Connection of each house or building to the Sanitary Sewer shall be in compliance with the provisions of this By-Law.

The design of any proposed Sanitary Sewer construction under this Section shall be approved by the Board prior to the issuance of a Building Sewer Permit.

Construction standards adopted by the Board shall be satisfied.

All costs and expenses required to satisfy the requirements of this Section shall be borne by the developer. Costs and expenses shall include, but not be limited to, those associated with engineering, design review, construction of sanitary sewers and appurtenances within the development, connection to the existing public sewer, and inspection by the Board. All requirements of this Section shall be satisfied at no expense to the Town.

The provisions of all Articles of these regulations shall be satisfied.

Sec. 7 **Control of Wastewater Works.** The Board is the sole and exclusive governing body for the planning, construction, operation and maintenance of wastewater works in the Town.

End of Article II

ARTICLE III

Building Sewers and Connections

Sec. 1 **Prohibitions.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board. Any person proposing a new discharge into the POTW or a substantial change in the volume or character of pollutants that are being discharged into the POTW shall notify the Board in writing at least forty-five (45) days prior to the proposed change or connection. No person shall break, cut or remove any pipe of the of the Public Sewer System, or make any connection to the sewer system except through connection branches specifically provided for that purpose, or by method approved by the Board where no connection branch exists.

Sec. 2 **Permits.** There shall be two (2) classes of Building Sewer Permits: (a) for residential and commercial service, and (b) for service to establishments producing Industrial wastes. In either case, the owner or his agent and a Licensed Drain Layer shall prepare and submit to the Board a Sewer Connection Permit Application (Attachments A and B). The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Board. A permit and inspection fee equal to the cost of inspection, as determined by the Board, shall be paid to the Town at the time the application is filed. The applicant must sign the permit application. Said permit shall be valid for no more than sixty (60) calendar days from date of issue. An extension of time may be granted by the Board.

No licensed Drain Layer shall have more than ten (10) permits outstanding at any time without written permission from the Board.

One copy of the permit shall at all times be available for inspection at the site of the work.

Drain Layers shall only install building sewers during normal working hours of the Town.

Emergency working hours shall be approved in writing by the Board, one of the commissioners, or by the Town's sewer superintendent.

Applicants for permits must include identification of and signatures of the licensed Drain Layer authorized by the applicant to perform the work.

Sec. 3 **Installation Cost Borne by the Owner.** All costs and expense incidental to the installation, inspection by the Board, and Connections of the Building Sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.

Sec. 4 **Separate Building Sewers required.** A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private Building Sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, with the written approval of the Board. A manhole shall be constructed at the junction of the front Building Sewer and the rear Building Sewer.

Sec. 5 **Existing Building Sewers.** Old Building Sewers may be used in connection with new buildings only when they are found, on examination and test by the Board, to meet all requirements of these regulations.

Sec. 6 **Method of Construction for Building Sewer.** Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any Building Drain is too low to permit gravity flow to the Public Sewer, sanitary sewage carried by such Building Drain shall be lifted by an approved means and discharged to the Building Sewer.

A minimum of 6-inch pipe shall be used for all Building Sewers.

The size, slope, alignment, materials of construction of a Building Sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.E.F. Manual of Practice No. 8 shall apply, except only PVC type SDR 35 with bell and spigot or ductile iron Class 52 with push-on joints pipe shall be used.

All joints shall be watertight and gas tight.

No Building Sewer shall be connected to the Public Sewer unless said building has a soil pipe extended to the top of the building, properly vented.

All pipes shall be laid on a twelve (12") crushed stone (5/8-inch stone) bed extending to one foot above the crown of the pipe to the full trench width. In instances where groundwater may back up in the basement, a well-compacted backfill seal shall be placed around the building sewer at the face of the building. Backfill above the crushed stone shall be placed in 12-inch lifts and well compacted. No backfill shall be placed until work has been inspected by the Board or its authorized agent.

All excavations for Building Sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, pathways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

When water is present in the trench, a sump of crushed stone shall be constructed and water shall be pumped, in accordance with all applicable Conservation Commission regulations and requirements. The trench shall be kept dry at all times during construction. At no time shall groundwater in the trench be allowed to enter the sewer system.

At times when pipe installation is not in progress, the open ends of the pipe shall be closed with temporary, watertight plugs.

The connection of the Building Sewer into the Public Sewer shall be made at the "Y" connection. If no branch is available, a connection may be made by tapping the existing sewer, following approval of the Board. Cutting a hole in the pipe by hand is prohibited.

The applicant for the Building Sewer Permit shall notify the Board when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Board or his representative.

All sewers shall be constructed in conformance with all applicable Federal, State and local laws and codes, with specific reference to the rules and regulations of the Massachusetts Department of Environmental Quality Engineering, "The State Environmental Code Title V" pertaining to the crossing of water and sewer lines.

Sec. 7 **Connection to the Building Drain.** Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any Building Drain is too low to permit gravity flow to the public sewer, Wastewater carried by such Building Drain shall be lifted by means approved by the Board and discharged to the Building Sewer. Such lifting devices shall be installed and maintained by the Owner with no liability assumed by the Town.

All construction for new buildings which shall commence after the effective date of this By-Law shall have the Building Drain exit the building through the basement floor and connect with the Building Sewer at an elevation below the basement floor whenever gravity flow to the Public Sewer is possible.

Sec. 8 **Prohibited Connections.** No person shall make connection of sump pumps, roof downspouts, exterior foundation drains, area drains, or other sources of surface runoff or groundwater to a Building Sewer which in turn is connected directly or indirectly to a Sanitary Sewer. All interior cleanouts shall be six (6") inches above the basement floor.

Sec. 9 **Method of Construction for Sanitary Sewers.** All pipe shall be laid on an eight (8") inch crushed stone base (of 5/8" stone) and extending to mid-diameter with crushed stone on both sides for a full trench width. In instances where groundwater may back up into the basement, a well-compacted backfill seal may be placed around the portion of the Building Sewer, at the building. Backfill shall be placed in two (2') foot layers and each layer shall be well compacted. No backfill shall be placed until the work has been inspected by the Board.

No blocks or stones shall be used to support the pipe.

When water is present in a trench, a sump of crushed stones shall be constructed, and water shall be pumped at all times. The trench shall be kept dry at all times during construction.

At all times when pipe installation is not in progress, the open ends of the pipe shall be closed with temporary watertight plugs or by other approved means.

All joints and connections shall be made watertight and gastight.

The connection of the Building Sewer to the Public Sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no branch is available, a connection may be made by tapping the existing sewer by an approved method. Cutting the hole in the pipe by hand is prohibited.

Sec. 10 **Notification of the Board.** The Drain Layer shall notify the Board when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision and/or observation of the Board.

Sec. 11 **Protection of Public and Property.** All excavations for Building Sewer installations shall be adequately graded, as determined by the Board, with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored by the Drain Layer in a manner satisfactory to the Town.

All construction in Town streets shall conform to Article 96 "Street Construction Rules and Regulations" (adopted 1973) of the Town By-Laws. Failure to do so shall result in the forfeiture of the Drain Layer's license as provided for in Section 17 of this article.

Sec. 12 **Proper Venting Required.** No building shall be connected to the Public Sewer system unless said building has a soil line extended to a point above the roof, properly vented.

Sec. 13 **Reporting of Prohibited Substances Found in Building.** All Drain Layers are required to give a full written report to the Board within twenty-four (24) hours of the detection of a prohibited substance, as defined in Article IV, found in a Building Sewer during the course of the work.

Sec. 14 **Notification for Completion of Work.** Notification of completion of work with certification that all conditions have been complied with shall be filed in writing to the Board within twenty-four (24) hours after completion of the work covered in each permit.

End of Article III

ARTICLE IV

Use of the Public Sewers

Sec. 1 **Disposal of Unpolluted Water Prohibited.** No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 2 **Discharge of Stormwater.** Stormwater, industrial cooling water, unpolluted process waters, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as Storm Sewers, or to a Natural Outlet approved by the Board and/or other state or local regulatory agencies. A discharge to a Natural Outlet may require a National Pollutant and Discharge Elimination System (NPDES) permit.

Sec. 3 **Prohibited Discharges.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the Wastewater Treatment Plant.

c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the Wastewater works.

d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the Wastewater Works such as, but not limited to, ash, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

e) Septage may only be discharged at an approved wastewater treatment plant and then only by authorized or licensed haulers.

f) Sludges from industrial pretreatment facilities.

Sec. 4 **Controlled Wastes.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Board that such wastes can harm either the sewers, Wastewater treatment process, or equipment, have an adverse effect on the receiving ground water, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wasters, the Board will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the Public Sewers, materials of construction of the Public Sewers, nature of the Wastewater Treatment

process, capacity of the Wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant, and other pertinent factors. The substances prohibited are:

a) Any liquid or vapor having a temperature higher than one hundred fifty (150) ^{0}F (65 ^{0}C).

b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred fifty (150) ^{0}F (0 and 65 ^{0}C).

c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 metric) or greater shall be subject to the review and approval of the Board.

d) Any waters of wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e) Any waters or wastes containing caustic alkalinity, calculated as $CaCO_3$ (calcium carbonate) in excess of 75 mg/l, or in volume, which may be excessive.

f) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive disinfection requirement, to such degree that any such material received in the composite Wastewater at the Wastewater Treatment works exceeds the limits established by the Board for such materials.

g) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Board as necessary, after treatment of the composite Wastewater to meet the requirement of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

h) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable State or Federal regulations.

i) Any waters or wastes having a pH in excess of 9.5.

j) Any obnoxious or malodorous gas or substance capable of creating a public nuisance.

k) Materials which exert or cause:

1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

3) Unusual BOD, chemical oxygen demand, or disinfection requirements in such quantities as to constitute a significant load on the Wastewater Treatment works.

4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined in Article I.

l) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 5 **Decisions of the Board.** If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Board may have a deleterious effect upon Wastewater Works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Board may:

a) Reject the wastes,

b) Require pretreatment to an acceptable condition for discharge to the public sewers,

c) Require control over the quantities and rates of discharge, and/or

d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the Board permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Board, and subject to the requirements of all applicable codes, ordinances, and laws. Said design shall be prepared by a qualified and competent Professional Engineer registered in the Commonwealth of Massachusetts.

Sec. 6 **Grease, Oil, and Sand Interceptors.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Board and shall be located as to be readily and easily accessible for cleaning and inspection. Each restaurant shall have an approved grease trap. Each gas station shall have an approved fuel trap. Each car wash shall have an approved sand trap.

Sec. 7 **Maintenance of Pretreatment Facilities.** Where Pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at his expense. Owners of such facilities shall provide periodic written reports to the Board as required. The owner shall employ personnel certified with the Commonwealth to maintain and operate Pretreatment facilities.

Sec. 8 **Control Manholes and/or Structures.** When required by the Board, the owner of any property serviced by a Building Sewer carrying Industrial Wastes shall install a suitable control manhole and/or structure, together with such necessary meters, and other appurtenances in the Building Sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole and/or structure, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Board. The

manhole and/or structure shall be installed by the Owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 9 **Wastewater Sampling.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole and/or structure provided, or upon suitable samples taken at said control manhole and/or structure. In the event that no special manhole and/or structure has been required, the control and/or structure manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the Building Sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Wastewater Works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

Sec. 10 **Monitoring of Wastes.** All industries discharging into a Public Sewer shall perform such monitoring of their discharges as the Board and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board. Such records shall be made available upon request by the Board to other agencies having jurisdiction over discharges to the Receiving Waters.

Sec. 11 **Agreement between Town and Industry.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern.

Sec. 12 **Notice of Accidental Discharge Required.** Any person responsible for, or becoming aware of, the discharge to a public sewer, accidental or otherwise, of any prohibited substance or slug as defined herein, shall report same immediately to the Board so the necessary precautions can be taken to minimize the deleterious effects of the discharge. Said person shall file a full written explanation to the Board within twenty-four (24) hours of the accidental discharge detailing the cause as well as what measures will be taken to ensure future accidental discharges are prevented.

End of Article IV

ARTICLE V

Industrial Wastes

Sec. 1 **Board Approval Required**. All Persons proposing to discharge Industrial Wastes into any Public Sewer shall submit a permit application (see Attachment B) to, and receive approval from, the Board prior to initiating discharge to the Wastewater Works. A permit and inspection fee, as determined by the Board, shall be paid to the Town at the time the application is filed.

Sec. 2 **Industrial Wastes Reports**. All Persons proposing to discharge Industrial Wastes into the Public Sewer shall submit a written report with the permit application, and periodic reports thereafter as required by the Board. Said reports shall include measurements and analyses of the Industrial Wastes and shall include (1) a certification as to its accuracy by a qualified and competent professional performing the measurements and analyses, and (2) a statement by an authorized representative of the industry indicating that the reported data were representative of normal operations at his plant. An authorized representative shall be a principal executive officer of a corporation, a general partner in a partnership, or a proprietor of a sole proprietorship.

Sec. 3 **Measurements and Analyses**. Measurements and analyses of Industrial Wastes are to include the following list, at a minimum, where applicable. If any item is not applicable, it shall be so stated on the report of the measurements and the reason for deletion stated. Items shall be deleted only with prior approval of the Board. The Board may require additional testing, analysis, and measurements.

Physical Parameters

pH
Temperature
Color
Specific Conductance

Chemical and Biological Parameters

Total solids
Total volatile solids
Total suspended solids
Total volatile suspended solids
Total dissolved solids
Acidity
Alkalinity
5-day BOD
COD
TOC
TOD
Oil and Grease
Chloride

Sulfide
Sulfate
Phenols
NH_3 (as N)
NO_3 (as N)
NO_2 (as N)
Total Kjeldahl Nitrogen
Orthophosphate (as P)
Total phosphorus (as P)
Hydrocarbons
Asbestos compounds
Pesticides
Benzene
Herbicides
Cyanides
Priority Pollutants
Esters
Cr, Cu, Cd, Fe, Pb, Mn, Zn, F, As, Hg, Ni, Ag

Sec. 4 **Flow Measurement.** For all industries with an average Wastewater flow of less than 3,000 gallons per day, flow shall be measured with a sealed water meter on the water supply line. For all industries with an average Wastewater flow of 3,000 gallons per day or more, a Wastewater flow measuring device of a type approved by the Board shall be installed and maintained by the Owner at his expense for the purpose of Wastewater flow measurement.

Sec. 5 **Applicant Agreement Required.** All applications to discharge any Industrial Wastes, drainage substances, or wastes directly or indirectly into any Sanitary Sewer under the control of the Board or tributary thereto, shall be accompanied by an agreement stating that the Applicant agrees to abide by all By-Laws, ordinances and rules and regulations of the town, that the Applicant will provide such works for the pretreatment of the Industrial wastes, drainage, substances or wastes as may be required by the Board, and that the Applicant will permit the Board to enter the premises of the industry to sample and measure the Wastewater, as needed, to check the characteristics of the Wastewater, when so determined and directed by the Board.

Sec. 6 **No Expense to Town.** All requirements of this Article shall be satisfied at no expense to the Town.

End of Article V

ARTICLE VI

Sewer Extensions

Sec. 1 **Sewer Extension Permits.** All applicants proposing to extend an existing Public Sewer line or to create a new Sewer Extension must obtain a permit from the Sewer Department before each extension.

a) *Application:* An application for a Sewer Extension Permit shall be filed with the Sewer Department at least twenty (20) days prior to the proposed work.

b) *Eligible Sewer Extensions:* No Sewer Extension Permit shall be issued by the Sewer Department unless such sewer extension is shown as "eligible sewer extension".

Sec.2 **Sewer Extension Permit Conditions.** Sewer Extension Permits shall be expressly subject to all provisions of these regulations and to all other applicable regulations, user charges and fees established by the Town and the Sewer Department.

Sec. 3 **Amendment of Sewer Expansion Program.**

a) *Amendment:* A petition to amend the Sewer Expansion Program may be presented to the Sewer Department by any applicant for a Sewer Extension Permit, or, in the alternative, by the Sewer Department.

b) *Criteria:* In order to conserve municipal resources and to promote orderly growth, the Sewer Department may amend the Sewer Expansion Program by adding or deleting "eligible" Sewer Extensions. In determining whether a proposed Sewer Extension should be classified as "eligible", the Sewer Department shall consider the following factors:

1) The proposed Sewer Extension was shown on a definitive plan approved by the Planning Board prior to the effective date of this regulation.

2) The proposed Sewer Extension will eliminate system overflows or other conditions, which pose a public health threat.

3) The proposed Sewer Extension improves the capacity of an existing overloaded sewer line.

4) The proposed Sewer Extension eliminates the need for a pump station serving existing residential development.

5) The proposed Sewer Extension is required for the installation of a community wastewater treatment plant to serve existing residential development.

6) The proposed Sewer Extension will serve a residential development in which at least ten percent (10%) of the dwelling units are deed restricted for a period of not less than thirty years as affordable to persons in the Lowell area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning not more than 80% the median income.

c) *Denial:* Proposed amendments to the Sewer Expansion Program that do not serve any of the factors set forth above may be denied by the Sewer Department.

End of Article VI

ARTICLE VII

Protection from Damage

Sec. 1 **Prohibited Acts.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Wastewater Works. Any person violating this provision shall be subject to charges of disorderly conduct.

Sec. 2 **Trespass.** No unauthorized person shall enter or remain in or upon and land or structure of the Wastewater Works. Any person violating this provision shall be subject to charges of trespass.

End of Article VII

ARTICLE VIII

Licensing Drain Layers

Sec. 1 **Licensing for Drain Layers.** All Drain Layers are required to obtain a license from the Board prior to performing any work in town. All licenses shall be issued for a one-year period with renewal required on January 1st of each year. The licensing fee shall be $100 for the initial year and a $50 renewal fee annually for each following year. In applying for a license, the Drain Layer shall provide the license application (Attachment C) and all information required by the Board including, but not limited to, a statement that the licensee shall supervise and be responsible for all work performed under the license.

All Drain Layers applicants shall also provide the Board a list of communities in which they are currently licensed with references and telephone numbers, list of their last ten (10) building sewer installations with references and telephone numbers, list of currently owned construction equipment, number of employees, and all other pertinent information that the applicant may believe is appropriate for review by the Board.

The licensee shall file with the Board, a certificate of insurance in the sums of $1,000,000 to cover general liability and a certificate covering Workmen's Compensation; all of which shall remain in full force and effect for a period of at least one (1) year from the date of licensee approval. No insurance policy shall be cancelled without thirty (30) days prior written notice to the Board. Said insurance shall indemnify the Town from all claims, liabilities, or actions for damages incurred in, or in any way connected with, the work or omissions of the licensee.

A yearly cash deposit or certified check shall be paid, payable to the Town of Dracut, in the amount of $300 per permit, up to a maximum or $1,500. Said cash deposit or certified check shall be refunded by June 1st of the following calendar year. Upon notification by the Board that deficiencies exist for any work undertaken during the immediately preceding 18-month period, failure by the licensee to remedy said deficiencies within twenty-four (24) hours of notification by the Board, shall result in the Board authorizing others to remedy the deficiencies. The amount incurred to make corrections shall be deducted from the deposit and forfeited by the licensee.

A Drain Layer violating any provision of these regulations shall, by vote of the Board, have his license suspended for one (1) year. In addition, general penalties provided for the violation of these regulations may also apply.

All Drain Layers requesting authorization by the Board of Sewer Commissioners to install grinder pump systems shall also be required to attend a 4-hour installation training session conducted by the grinder pump manufacturer and scheduled by the Board of Sewer Commissioners.

Sec. 2 **Licensee Not to Allow Use of Name by Another.** No person duly licensed by the Board to construct Building Sewers and make connections to Public Sewers shall allow his name to be used by any other person, either for the purpose of doing work under his license or for obtaining permits.

All Building Sewer installation work shall only be performed by Drain Layers licensed by the Board.

Applicants for permits must be Drain Layers licensed by the Board.

Applications for permits must be signed by both the Licensed Drain Layer and the property owner.

Sec. 3 **Forfeiture of License.** Any Drain Layer violating any provisions of these regulations shall, by vote of the Board, in addition to the general penalties provided for the violation of these Regulations in Article X, have his license suspended for a period not to exceed one year. This provision shall be by a unanimous vote of the Board of Sewer Commissioners.

Sec. 4 **Inspection Powers of the Board.** The Board, bearing proper credentials and identification, shall be permitted to enter, at reasonable times, all properties connected with the public sewers for the purposes of inspection, observation, measurement, sampling, and testing, all in accordance with the provisions of these Rules and Regulations. They may inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, plating, textile, painting, laundry, or other industrial activity that contribute waters or wastes to the Public Sewers, but shall not order or demand information concerning any patented process or trade secret beyond that necessary to determine the kind, source, and amount of wastewater discharged from the industrial or commercial plant to the Public Sewers.

Sec. 5 **Notification of Commencement of Work.** The board or its duly authorized agent shall be notified at least forty-eight (48) hours prior to the beginning of any work on a Building Sewer.

End of Article VIII

ARTICLE IX

Powers and Authority of Inspectors

Sec. 1 **Inspection by the Board, EPA, and State.** The Board, the United States Environmental Protection Agency, and the Massachusetts Department of Environmental Protection, bearing proper credentials and identification, shall be permitted to enter, at reasonable times, all properties connected to the public sewer system for the purposed of inspection, observation, sampling, measurement, and testing, all in accordance with these rules and regulations. They may inquire into any process including metallurgical, chemical, oil refining, ceramic, paper, plating, textile, painting, laundry, or other industrial activity that contributes waters or wastes to the public sewer system, but shall not order or demand information concerning any patented process or trade secret beyond that necessary to determine the kind, source, and amount of wastewater discharged into the public sewer system.

Sec. 2 **Requirement to Observe Safety Rules.** While performing the necessary work on private properties referred to in Article IX, Section 1 above, the Board or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the Town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article IV, Section 8.

Sec. 3 **Authority in Easements Acquired by the Town.** The members of the Board and other authorized agents of the Board bearing proper credentials and identification shall be permitted to enter upon all private properties through which the Town holds a duly acquired Easement for the purpose of, but not limited to, inspection, observation, measurements, sampling, repair, maintenance, and testing of any portion of the Wastewater Works lying within said Easement. All entries and subsequent work, if any, on said Easement, shall be done in full according with the terms of the duly acquired Easement pertaining to the property involved.

Sec. 4 **Land Entry.** The Board shall have all the rights and powers necessary or convenient to carry out and effectuate these Regulations, including, but without limiting the generality of the foregoing, the rights and powers:

a) To enter onto any land to make surveys, borings, soundings, examinations thereon, provided that said Board shall make reimbursements for any injury or actual damage resulting to such lands and premises caused by any act of its authorized agents or employees and shall so far as possible restore the land to the same condition as prior to making of such surveys, borings, soundings and examinations;

b) The Board and / or the Board of Selectmen, whichever the case may be, may order the removal or relocation of any conduits, pipes, wires, poles, or other property located in public ways or places, or in or upon private lands, which it deems to interfere with the laying out, construction, or operation of any sewer project, and the proper authorities shall grant new locations for any such structure so removed or relocated, and the

owner of thereof, may be reimbursed by the Board and / or Board of Selectmen for the reasonable cost of such removal or relocation. Such orders, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such tracks, pipes, conduits, wires, poles or other property in such public ways or places, and the private owner of any such structures in public ways or lands shall comply with any such order of the Board relating to any such structure in public ways or lands. If any such owner shall fail to comply with any such order of the Board and/or Board of Selectmen relating to any such structure in public ways and places within a reasonable time, to be fixed in the order, the Board and / or Board of Selectmen may discontinue and remove such tracks, conduits, pipes, wires, poles or other property and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the commission by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof, except for the reimbursement of cost provided for above. This section shall not apply to facilities on property of the Commonwealth under control of the Department of Highways or the Metropolitan District Commission or installed under licenses or permits granted by said department or commission, except with its approval.

End of Article IX

ARTICLE X

Penalties

Sec. 1 **Written Notice of Violation.** Any person found to be violating any provision of this By-Law, except Article VII shall be served by the Board with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2 **Penalty for Continued Violation.** Any person who shall continue any violation beyond the time limit provided for in Article X, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding one thousand dollars ($1,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. If the violation continues, the Board shall direct the Town Counsel to seek an injunction in the Superior Court of the Commonwealth of Massachusetts requiring the offender to cease all violations.

Sec. 3 **Liability.** Any person violating any of the provisions of these rules and regulations shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation. The expense, loss, or damage shall be taken to be the extent determined by a qualified and competent Professional Engineer, registered in the Commonwealth of Massachusetts particularly skilled in the operation and maintenance of Wastewater Treatment Facilities.

End of Article X

ARTICLE XI

Validity

Sec. 1 **Repeal of Conflicting Ordinances.** All ordinances, rules, regulations and By-Laws or parts thereof in conflict herewith are hereby repealed.

Sec. 2 **Invalidation of Sections.** The invalidity of any section, clause, sentence, or provisions of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.

Sec. 3 **Other Municipal Rules and Regulations.** In addition to the rules and regulations set forth herein, all Persons shall comply, in full, with the current and future rules and regulations governing the use of sewers of the City of Lowell, the City of Methuen, the City of Lawrence, and the Greater Lawrence Sanitary District.

Sec. 4 **Sub-Committee on Sewer Construction.** The Sub-Committee on Sewer Construction shall be comprised of the following: Two members of the Board of Selectmen, three members of the Finance Committee, three members of the Sewer Commission, one member of the Board of Health, the Town Treasurer and the Town Accountant, increasing the board to eleven. No new construction or additions shall be undertaken unless 8 members of the Sub-Committee on Sewer Construction vote in the affirmative.

End of Article XI

ARTICLE XII

Sewer User Fee

1. The sum per unit for all existing residential and commercial buildings shall be the sum of Two Hundred Dollars ($200) per unit for any permit applied for within two (2) years from the date on which the Sewer Department notifies the owner of the property that Public Sewer is available to the property. All permits applied for after the expiration date shall be charged at the prevailing rate for all new construction.

2. New Construction: The sum per unit for all new residential buildings shall be Seven Thousand Five Hundred Dollars ($7,500.00).

3. New Construction: The sum per unit for all new commercial buildings shall be Seven Thousand Five Hundred Dollars ($7,500.00).

Existing Buildings shall be those that have an existing private sewer disposal system prior to the date the Sewer Department advertised the Bids on their intentions to construct sewer mains on the streets that the building is located.

New Construction shall be any building that received a Building Permit after the date the Sewer Department advertises the Bids or their intentions to construct sewer mains on any street where the building is to be constructed.

The Tie-In Fee or Connection Fee shall be assessed on each unit and the number of units to be assessed on each connection shall be as follows:

Residential Use

1. Each single family building connected directly to the Town Sewer main shall be assessed as one unit.

2. Each dwelling unit in a multiple dwelling, whether connected to the Town Sewer mains directly or indirectly, and whether in one or more buildings, shall be assessed as one unit. For the purpose of this section, multiple dwellings shall be deemed to include, but not limited to, more than single family buildings, apartment houses, complexes, town houses, condominiums, motels, hotels, or otherwise.

Other Non-Residential Uses

1. For use other than residential, there shall be an assessment of a minimum of one unit, and an additional one unit for every three (3) thousand square feet of floor space, or major portion thereof, exceeding the initial three (3) thousand square feet.

2. When an addition is added to any existing building that has been connected to the sewer system, the addition shall be treated as new construction and the rates charged for new construction shall apply.

3. The Tie-In Fees shall be assessed by the Sewer Commissioners based on plans submitted for which a building permit has been issued. All charges shall be paid before any sewer line is connected.

4. All money collected from Tie-In Fees shall be held by the Treasurer in a separate account to be appropriated by a Town Meeting for extending sewer lines or improving the Sewer System.

5. In addition to these fees, the owner shall pay rates established from time to time for Sewer usage and inspection of construction.

End of Article XII

ARTICLE XIII

By-Law in Force

Sec. 1 **By-Law in Force.** This by-law shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.
Passed and adopted by the Town of Dracut, Commonwealth of Massachusetts on the

day of (month) in the year 2004 following public

notification and comment at a Public Hearing which took place on the day

of (month) in the year 2004.

End of Article XIII

Attachment A

Town of Dracut
Sewer Department
1196 Lakeview Avenue, Dracut, Massachusetts
(978) 957-0371

Sewer Connection Application for Residential & Commercial Buildings

To the DRACUT SEWER DEPARTMENT,
COMMONWEALTH OF MASSACHUSETTS

I _____ hereby request a permit to install and connect the
(Applicant) (Property Owner)

property located at _____
(Number) (Street)

to the public sewer system within the Town of Dracut. The property is a _____

_____ establishment.
(Residence) (Commercial Building) (etc.)

If a residence, how many family living units will use the sewer connection _____

The name, address, and license number of the person or firm who will perform the proposed work is:

_____

_____

Plans and specifications for the proposed building sewer are attached hereto as Exhibit "A".

An application fee for $_____ is attached to this application.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED PROPERTY OWNER AGREES:

To accept and abide by all provisions of the Rules and Regulations governing the use of sewers of the Town of Dracut, and all other pertinent rules and regulations that may be adopted in the future.

To pay all the costs of said building sewer and its connection to the public sewer in said street, including all labor and materials or other expenses incurred necessary for the proper construction of said building sewer as determined by the Town of Dracut.

To maintain the building sewer at no expense to the Town of Dracut.

That the Town of Dracut shall have access at all reasonable hours, to said premises, to see that all laws, by-laws, ordinances, rules and regulations relating to the sewer are complied with.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED DRAIN LAYER AGREES:

To accept and abide by all provisions of the Rules and Regulations governing the use of sewers of the Town of Dracut.

To notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

That construction of the sewer connection will be completed within sixty (60) days of issuance of this permit.

Construction of the building sewer and connection to the public sewer shall comply with the plans and specifications attached hereto at Exhibit "A".

Date _____ Signed _____
(Applicant) (Property Owner)

Date _____ Signed _____
(Drain Layer) Permit is non-transferable

Application approved and permit granted
BOARD OF SEWER COMMISSIONERS

Date _____ By _____

Date _____ By _____

Date _____ By _____

End of Attachment A

Attachment B

Town of Dracut
Sewer Department
1196 Lakeview Avenue, Dracut, Massachusetts
(978) 957-0371

Sewer Connection Application for Industrial User

To the DRACUT SEWER DEPARTMENT,
COMMONWEALTH OF MASSACHUSETTS

I _____ hereby request a permit to install and connect the
(Applicant) (Industry Owner) (Property Owner)

property located at _____
(Number) (Street)

to the public sewer system within the Town of Dracut. The property is an industrial facility specializing in the manufacture of _____

A plan of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A."

Plans and specifications covering any work proposed to be performed under this permit are attached hereunto as Exhibit "B."

A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, are attached hereunto as Exhibit "C."

The estimated number of full time employees at the premises is _____

The estimated number of part time employees at the premises is _____

The name, address and license number of the person or firm who will perform the proposed work is

_____

_____

The Standard Industrial Classification (SIC) number for the business is _____

An application fee for $_____ is attached to this application.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED COMPANY OWNER AGREES

To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the Superintendent.

To accept and abide by all provisions of the Rules and Regulations governing the use of sewers of the Town of Dracut, and of all other pertinent rules and regulations that may be adopted in the future.

To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial waste involved, in an efficient manner at all times, and at the applicant's expense.

To cooperate at all time with the Town of Dracut, and its representatives in their inspection, sampling, and study of the industrial wastes, and any wastes or process waters not covered by this permit.

To notify the Superintendent immediately in case of any accident, negligence, or any other occurrence that occasions discharge to the public sewer of any wastes or process waters not covered by this permit.

For himself, his heirs, devisees and assigns, that the Town of Dracut shall have access at all reasonable hours, to said premises, to see that all laws, by-laws, ordinances, rules and regulations relating to the sewer are complied with.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED DRAIN LAYER AGREES:

To accept and abide by all provisions of the Rules and Regulations governing the use of sewers of the Town of Dracut.

To notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

That construction of the sewer connection will be completed within sixty (60) days of issuance of this permit.

Construction of the building sewer and connection to the public sewer shall comply with the plans and specifications attached hereto at Exhibit "B".

Date _____ Signed _____
(Applicant) (Industry Owner) (Property Owner)

Date _____ Signed _____
(Drain Layer) Permit is non-transferable

Application approved and permit granted
BOARD OF SEWER COMMISSIONERS

Date _____ By _____

Date _____ By _____

Date _____ By _____

End of Attachment B

Attachment C

Town of Dracut
Sewer Department
1196 Lakeview Avenue, Dracut, Massachusetts
(978) 957-0371

Drain Layer License Application

To the DRACUT SEWER DEPARTMENT,
COMMONWEALTH OF MASSACHUSETTS

Company Name _____

Address _____

_____

Telephone No. _____

Fax. No. _____

The following items must be submitted to the Board with this application:

List of all communities currently licensed in as a Drain Layer

Reference list of municipal officials (in licensed communities) familiar with your work. Include name, address and telephone number.

Last ten (10) installations with contact references.

List of construction equipment currently owned.

Number of employees.

Average number of installations performed annually.

Any additional information that may be appropriate for consideration by the Board of Sewer Commissioners.

Proof of insurance.

A $100 application fee accompanies this application.

IN CONSIDERATION OF THE GRANTING OF THIS LICENSE, THE UNDERSIGNED DRAIN LAYER AGREES:

To accept and abide by all provisions of the Rules and Regulations governing the use of sewers of the Town of Dracut.

To notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

To supervise and be responsible for all work performed under this license. I understand this license is non-transferable and I am responsible for all damages.

I understand that a cash deposit or certified check shall be made payable to the Town of Dracut in the amount of $300 per permit up to a maximum of $1,500 prior to commencement of any work. Said cash deposit or certified check shall be refunded by June 1st of the following calendar year. Upon notification by the Board that deficiencies exist for any work undertaken during the immediately preceding 18-month period, failure by the licensee to remedy said deficiencies within twenty-four (24) hours of notification by the Board, shall result in the Board authorizing others to remedy the deficiencies. The amount incurred to make corrections shall be deducted from the deposit and forfeited by the licensee.

Any violation of the conditions of this license or of the Rules and Regulations governing the use of sewers of the Town of Dracut by the Drain Layer shall subject the licensee to a one (1) year license suspension.

Date _____ Signed _____
(Drain Layer) License is Non-Transferable

Application approved and license granted
BOARD OF SEWER COMMISSIONERS

Date _____ By _____

Date _____ By _____

Date _____ By _____

Authorized License No. _____

Authorized for Grinder Pump Installation (Yes/No) _____

End of Attachment C

AMENDMENTS - CHAPTER 14:

DELETED IN ITS ENTIRETY AND REPLACED - Annual Town Meeting, Article 18, June 7, 2004

Article IX - Section 4 - Amended - Adjourned Town Meeting Article #44, May 16, 1993
Article IX - Section 4 - Amended - Annual Town Meeting Article #5, November 18, 1996
Article XI - Added - Annual Town Meeting, Article #52 June 2, 1986
Article XI - Amended - Annual Town Meeting, Article #20 June 3, 1991
Article XI - Amended - Annual Town Meeting, Article #6 November 13, 1995
Article XI - Sewer User Fee - Amended - Annual Town Meeting Article #6, November 18, 1996
Article XII- Amended - Annual Town Meeting, Art. #19 June 4, 2007
Amended - Annual Town Meeting, Art. #5 November 2, 2009

TOWN OF DRACUT
BY LAWS

CHAPTER 15

CHAPTER 266, SECTION 120
NO TRESPASSING
COMMONS, PARKS, PLAYGROUNDS

Section 1 - Curfew. It shall be unlawful for any person, adult or juvenile to remain idle, wander, stroll or play in any Common, Park or Playground, either on foot, bicycle, or any kind of vehicle, of the Town of Dracut as follows:

1) Commons, Parks and Playgrounds under the direct control of the Town, between the hours of one (1) hour after sunset and one (1) hour before sunrise.

2) Commons, Parks and Playgrounds under the assigned control of the Board of Selectmen of the town between the hours of one (1) hour after sunset and one (1) hour before sunrise except from April 1st to November 1st between the hours of 10:00 p.m. and 5:00 a.m.

3) **EXCEPTIONS** to the provisions of Section 1.. Sub-paragraphs 1) and 2) shall be those lighted recreational areas, within the parks and playgrounds of the town or under control of the Board of Selectmen, which shall be between the hours of 12:01 a.m. and 5:00 a.m. from April 1st to November 1st of each year.

4) All public places, roads, streets, ways and sidewalks abutting any of the above mentioned commons, parks and playgrounds shall, during the above mentioned "curfew" hours be utilized for the purpose of travel and shall be unlawful for any person to remain idle, loiter or conduct themselves in any form of recreation.

5) Except for organized school sports and other school activities; commons, parks, playgrounds, school fields, school gyms, and any other Town owned land or property may not be used for organized recreational activities and sports on Election Days or on the day of Town Meeting between 12:01 AM and 11:59 PM.

CHAPTER 15 (Cont'd)

Section 2 - Authorized Activity Beyond Curfew. Such authorized activity permitted by the issuance of a permit by the Town Board of Selectmen shall extend the hours of the "curfew" as indicated in Section 1, herein, of the Common, park, playground, under such control, for the particular common, park, playground, only, and such permit shall not be unreasonably withheld.

Section 3 -Rules and Regulations Regarding the Use of Parks. The following rules and regulations shall govern the use of common, park, playgrounds of the town, no person shall:

a) **Disfigurations and Removal.** Willfully mark, deface, disfigure, injure, tamper with, or misplace or remove, any building, tables, benches, fireplace, railings, paving material , water line or other public utilities or parts or appurtenances thereof, signs, notice or placards whether temporary or permanent, monuments, stakes, posts or other boundary marks, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

b) **Restrooms and Washrooms.** Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition or causing any graffiti condition, whatsoever or posting in any manner any unauthorized materials whatsoever.

c) **Removal of Natural Resources.** Dig or remove any sod, soil, rock, stones, trees, shrubs, planks, timber, wood or other materials or mae any excavations by tool, equipment, blasting or other means or agency.

d) **Identification.** Fail to properly identify himself or herself upon direction of a police officer by giving his or her true name, address or age in case of a juvenile, or by producing proper identification papers with such information.

Section 4 - Posting. All Commons, Parks and Playgrounds shall be posted. The posting shall indicate the authorized hours of use for the calendar year.

CHAPTER 15 (Cont'd)

Section 5 - Right to Arrest. Any Police Officer, upon viewing a violation by any person of Section One, Two and Three of this By-Law shall have the right to arrest such person, and take before the District Court of Lowell. Whoever violates this By-Law shall pay a fine not to exceed $50.00 for each offense.

Article 32 - May 9, 1983
Article 13 - Oct 7, 2002 Added Section 1 (5)

TOWN OF DRACUT
BY LAWS

CHAPTER 16
TRANSIENT VENDORS, HAWKERS AND PEDDLERS

Section 1. A "transient vendor" shall be any person either principal or agent who engages in a temporary or transient business in the commonwealth selling goods, wares or merchandise, either on one locality or in traveling from place to place.

Section 2. Every transient vendor, before making any sale of goods, wares or merchandise in the town, shall apply to the Board of Selectmen for a license, and shall accompany such application with a license fee which shall be set from time to time and which fee is on file in the Town Clerk's Office. If, after review of said application, it appears that the applicant is a person of good repute as to morals and integrity and he/she is a person of responsibility and business acumen, the Board of Selectmen may authorize the Town Clerk to issue a license to the applicant, which license shall remain in force and effect for not more than ninety (90) calendar days from day of issuance, and shall be renewable every ninety (90) days thereafter.

Section 3. A transient vendor license shall be required notwithstanding the fact that goods, wares or merchandise are to be sold or offered for sale from any private property within the town. In the case of any such sale or offer for sale from private property, the owner of the property shall be required to obtain a license for such purpose in like manner and the same fee as a transient vendor.

Section 4. State Law reference-municipal authority to require transient vendor's license, M.G.L.A. c.101,#5.

Section 5. A "hawker" or "peddler" shall mean and include any person either principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares or merchandise, either on foot on or from any animal or vehicle.

Section 6. No hawker or peddler shall sell, offer or expose for sale any goods, wares or merchandise, including without limitation real, artificial, permanent, temporary, wild cultivated or uncultivated flowers or flowering plants whether

CHAPTER 16 (Cont'd)

from any street, sidewalk or private property, unless such hawker or peddler has posted a bond with the Town Clerk in an amount to be determined by the Town Manager, or has otherwise provided to the Town Clerk a satisfactory indemnity sufficient to protect the town against any suit, action or proceeding in which the Town may be a party as a result of any act on the part of such hawker or peddler while operating within the territorial limits of the Town. The bond or indemnity specified above shall be subject to approval of the Town Counsel before it shall be deemed accepted or satisfactory.

Section 7. In addition, any hawker or peddler who sells, offers or exposes for sale, any goods, wares or merchandise in such a manner, in the opinion of the Chief of Police, so as to impede the flow of vehicular or pedestrian traffic, or to create a health or safety hazard or a public nuisance, shall be prohibited from operating within the town. The Chief of Police shall promulgate a list of locations in the town where any hawking or peddling shall be expressly prohibited. In locations where hawking or peddling is allowed, the Chief of Police may require the presence of a paid police detail to preserve the public safety or welfare.

Section 8. The provisions of this section shall not apply to any nonprofit corporation duly organized under Chapter 180 of the General Laws: provided, that any officer of such corporation supplies the Town Clerk with official proof of such organization.

Section 9. The Board of Selectmen shall have authority to grant hawker or peddler's license to any person of good reputation for morals and integrity who is a citizen of the United States or has formally declared his intention to become a citizen., Licenses shall bear date of the day on which they are issued and unless sooner revoked, shall expire on the ninety-first (91st) day after date of issuance and shall be renewable every ninety (90) days thereafter.

Section 10. Any hawker's or peddler's license granted by the Board of Selectmen may be revoked by the Board of Selectmen at any time for cause sufficient in law.

CHAPTER 16 (Cont'd)

Section 11. Every hawker or peddler shall exhibit has license or certificate of registration when the same is demanded of him by a selectmen or his representative or sealer of weights and measures or member of the Police Department of the town.

Section 12. No person shall be licensed or registered under this article as a hawker or peddler until he presents to the Board of Selectmen a statement from the sealer of weights and measures that all weighing and measuring devices intended to be used by such person have been duly inspected and sealed as required by law.

Section 13. Nothing in this article shall be construed as conflicting with any license duly issued under the laws of the commonwealth.

Article 9 - November 8, 1993
Atricle 4 - November 5, 2001

TOWN OF DRACUT
BY LAWS

CHAPTER 17 - Deleted - Article 12, October 7, 2002 Town Meeting
Added - Article 10, November 8, 1993 Town Meeting

TOWN OF DRACUT
BY LAWS

CHAPTER 18

WETLANDS PROTECTION

I. Purpose

The purpose of this By-Law is to protect the wetlands, related water resources, and adjoining land areas in the Town of Dracut by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, ground water, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution control, fisheries, shellfish, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, and recreation values, deemed important to the community (collectively, the "resource area values protected by this bylaw"). This bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act, M.G.L. Chapter 131 Section 40 and Regulations thereunder, 310 CMR 10.00.

II. Jurisdiction

Except as permitted by the Conservation Commission pursuant to this by-law, or as otherwise allowed in this bylaw, no person shall fill, dredge, build upon, degrade, discharge into or otherwise alter any Resource Area or Buffer Zone as defined in Section XI of this bylaw. It shall be assumed that significant adverse effect on the wetland values protected by this bylaw will result from any filling, dredging, building or other alteration within a Resource Area, land subject to flooding or inundation by groundwater or surface water, or within 50 feet of the edge of any freshwater wetland, vernal pool, bank, reservoir, pond of any size, land under waterbodies, or any marsh, wet meadow, bog or swamp. Said resource areas shall be protected whether or not they border surface waters.

CHAPTER 18 (Cont'd)

The construction of any building may be prohibited within 50 feet of any bank, fresh water wetland, beach, flat, marsh, wet meadow, bog, swamp or lands bordering or on any estuary, creek, river, stream, or lake or any land under said waters.

Construction of a building shall not include any reconstruction, alteration, extension or structural change to a building existing on November 8, 1993.

III. Conditional Excepts

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

The application and permit required by this bylaw shall not be required for work performed or for normal maintenance or improvement of land which is lawfully in agricultural use (as defined in M.G.L. Chapter 131 Section 40 and Regulations 310 CMR 10.00), at the time the work takes place; provided that when there is doubt as to whether or nor an agricultural activity is exempt, written notice shall be given to the Commission prior to commencement of work and be subject to the Determination of Applicability process.

The application and permit required by this bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission or its agent certifies the works as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purpose necessary to abate the emergency; and provided that within 21 days of commencement of

an emergency project, a permit application shall be filed with the commission for review as provided by this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this section, the exceptions provided in the Wetland Protection Act, M.G.L. Chapter 131, Section 40, and Regulations, 310 CMR 10.00, shall not apply under this bylaw.

IV. Applications for Permits and Requests for Determination
Written application shall be filed with the Commission to perform such activities affecting resource areas protected by this bylaw. The permit application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this bylaw. NO activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

The Commission in an appropriate case may accept as the permit application and plans under this bylaw the Notice of Intent and plans filed under the Wetlands Protection Act, M.G. L Chapter 131, Section 40, and Regulations, 310 Cmr 10.00.

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing, request a determination from the Commission. Such a Request for Determination (RFD) shall include information and plans as are deemed necessary by the Commission.

Upon receipt of a permit application or RFD, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. This fee is called the consultant fee. The specific consultant services may include but are not limited to resource area survey and delineation, analysis of resource area values, including wildlife habitat evaluations, hydrogeologic and drainage analysts, and environmental or land use law.

The Commission may waive the filing fee, consultant fee, and costs and expenses for a permit application or RFD filed by a government agency.

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

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

The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decides at a public meeting that other action is necessary. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws.

V. Notice and Hearings

The Commission shall conduct a public hearing on any permit application or RFD, with a written notice given at the expense of the applicant, five business days prior to the hearing, in a newspaper of general circulation in the municipality.

The Commission shall commence the public hearing within 21 days from the receipt of a completed permit application or RFD unless an extension is authorized in writing by the applicant.

The Commission shall issue its permit or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act, M.G. L. 131, Section 40, and Regulations, 310 CMR 10.00.

The Commission shall have the authority to continue the hearing to a certain date announced at the hearing, for reasons stated at the hearing which may include receipt of additional information from the applicant or others deemed necessary by the Commission in its discretion, or comments and recommendations of the boards and officials listed in VI.

VI. Coordination with Other Boards

Any person filing a permit application or filing a request for determination of applicability with the Commission may be required to provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the Board of Selectmen, Planning Board, Board of Health, the Building Inspector, and Town Engineer. The Commission shall consider any and all comments as they are submitted within the statutory time limits of M.G. L. Chapter 131, Section 40. The applicant shall have the right to receive any comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

VII. Permits and Conditions

If the Commission, after a public hearing, determines that the activities which are subject to the permit application or the land and water uses which will result therefrom are likely to have a significant individual or cumulative effect upon the resource area values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the designs specifications, performance standards, and other requirements in regulations of the Commission; for failure

to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this bylaw; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

The Commission is empowered to require the use of the 1987 Army Corps of Engineers Wetlands Delineation Method, Section F. "Atypical Situations" in some instances where conditions exist that preclude the use of the Massachusetts delineation method using vegetation as a wetlands indicator.

Such instances include but are not limited to disturbed sites, filled wetlands, or naturally occurring events that result in the creation or alteration of wetlands.

To prevent wetlands losses, the Commission shall require applicants to avoid wetlands alteration wherever feasible; shall minimize wetlands alteration; and, where alteration is unavoidable, shall require full mitigation. The Commission may authorize or require replication of wetland as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication.

A permit shall expire three years from the date of issuance. Not withstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one year period, provided that a request for a renewal is received in writing by the Commission prior to expiration. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

For good cause the Commission may revoke or modify a permit or determination issued under this bylaw after notice to the holder of the permit or determination, notice to the public, abutters, and town boards, pursuant to V and VI, and a public hearing.

The Commission in an appropriate case may combine the permit or determination issued under this bylaw with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and Regulations, 310 CMR 10.0.

No work in any permit application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected is registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the permit has been recorded.

VIII. Regulations

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

At a minimum these regulations shall define key terms in this bylaw not inconsistent with the bylaw and procedures governing the amount and filing of fees.

IX. Definitions

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

The term "Commission" shall mean the Conservation Commission of the Town of Dracut.

CHAPTER 18 (Cont'd)

The term "person" shall include any individual, group or organization, association, partnership, corporation, company, business trust or estate, any federal, state, regional, county or quasi-public corporation or body, including the Town of Dracut, and any other legal entity. The term "Resource Area" shall mean: ANY freshwater wetland, marsh, wet meadow, bog or swamp, whether or not bordering a lake, stream and the land beneath any lake, river, pond or stream; or any land subject to flooding or inundation by groundwater or surface water with a frequency of at least once in one hundred years. The term Resource Area shall include, without limitation, any area in which the vegetational community is predominantly composed of plant species listed as facultative or obligate hydrophytes in Wetland Plants of the State of Massachusetts, 1986, issued by the National & Regional Wetland Plant List Review Panels.

The term "Buffer zone" shall mean any land within 100 feet from the edge of any freshwater wetland, marsh, wet meadow, bog or swamp, whether or not bordering a lake, river, pond or stream, and any land within 100 feet from the top of the bank of any lake, river, pond, or stream.

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

The term "vernal pool" shall include a confined basin depression which, at least most years, holds water for a minimum of two continuous months during the spring and/or summer, and which is free of adult fish populations, as well as the areas within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Massachusetts Division of Wildlife and Fisheries.

CHAPTER 18 (Cont'd)

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

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

A. Removal, excavation or dredging of soil, sand gravel, or aggregate materials of any kind;
B. Changing of preexisting drainage characteristics, flushing characteristics, sedimentation patterns, flow patterns, and/or flood retention characteristics;
C. Drainage or other disturbance of water levels or water table;
D. Dumping, discharging or filling with any material which may degrade water quality;
E. Placing of fill, or removal of material, which would alter elevation;
F. Driving of piles, erection or repair of buildings, or structures of any kind, except (i) work wholly inside a building and (ii) exterior repair of existing structures or buildings which present no risk of alteration of land, water, or vegetation;
G. Placing of obstructions or objects in water;
H. Destruction of plant life, including cutting of trees;
I. Changing temperature, biochemical oxygen demand, or other physical, biological or chemical characteristics of any waters;
J. Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater, including without limitation, any activity which may cause surface water runoff contaminated with sediments, chemicals, or animal wastes.
K. Application of pesticides or herbicides;

L. Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

Except as otherwise provided in this bylaw or in regulations of the Commission, the definition of terms in this bylaw shall be set forth in the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and Regulations, 310 CMR 10.00.

X. Security

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

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

B. By a conservation restriction, easement, or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

XI. Enforcement

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this bylaw, or cause, suffer, or allow such activity, or leave in place authorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this bylaw.

The Commission, its agent, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examination, surveys or sampling as the Commission deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have the authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, enforcement orders, and civil and criminal court actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined or both.

Upon request of the Commission, the Board of Selectmen and Town Counsel shall take legal action for the enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for the enforcement under civil law.
Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this bylaw, or regulations, permits or enforcement orders issued thereunder, shall be punished by a fine of not more than $300.00. each day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains in place shall constitute a separate offense, and each provision of the bylaw, regulations, permits, or enforcement orders violated shall constitute a separate offense.

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

CHAPTER 18 (Cont'd)

XIII. Appeals
A decision of the Commission shall be reviewable in the Superior Court in accordance with M.G.L. Chapter 249, Section 4.

XIV. Relation to the Wetlands Protection Act
This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statues, independent of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, Regulations, 310 CMR 10.00, thereunder.

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

AMEMDMENTS - CHAPTER 18:

Chapter 18 - Added - Article 25 - Annual Town Meeting, November 8, 1993
Section VI - Amended - Article #8 - Annual Town Meeting, November 13, 1995

TOWN OF DRACUT
BY LAWS

CHAPTER 19

NON-CRIMINAL DISPOSITION

Section 1 - PENALTY FOR VIOLATIONS:

The penalty for violation of any ordinance, by-law, rule, or regulation made hereunder shall be not less than $25.00 for the 1st offense and not less than $50.00 for the 2nd and any subsequent offense, or as otherwise specified in the Town of Dracut By-Laws.

Section 2 - NON-CRIMINAL DISPOSITION OF VIOLATIONS OR ANY ORDINANCE, BY-LAW OR REGULATIONS OF ANY MUNICIPAL OFFICER, BOARD OR DEPARTMENT:

Any person, taking cognizance of a violation of a specific ordinance, by-law, rule or regulation which he is empowered to enforce, hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings, may pursuant to Chapter 40, Section 21D, or Massachusetts General Laws, give the offender a written notice to appear before the clerk of the District Court of Lowell, or any other Court having jurisdiction thereof, at any time during the office hours, not later than twenty-one (21) days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific offense, charged, and the time and place of this required appearance. Such notice shall be signed by the enforcing person, and shall be signed by the offender whenever practicable, in acknowledgment that such notice has been received. The enforcing person shall, if possible, deliver to the offender a copy of said notice at the time and place of the violation, said copy shall be mailed or delivered by the enforcing person, or by his commanding officer or the head of his department or by any person authorized by such commanding officer, department head to the offender's last know address, within fifteen days after said violation. Such notice as so mailed shall be deemed sufficient notice, and a certificate of the person so mailing such notice that it has been mailed in accordance with this section shall be prima facie evidence thereof.

CHAPTER 19 (Cont'd)

At or before the completion of each tour of duty, or at the beginning of the first subsequent tour of duty, the enforcing person shall give to his commanding officer or department head those copies of each notice of such violation he has taken cognization of during such tour which have not already been delivered or mailed by him as aforesaid. Said commanding officer or department head shall retain and safely preserve one copy and shall, at a time not later than the next court day after such deliver or mailing, deliver the other copy to the Clerk of Court before which the offender has been notified to appear. The Clerk of District Court shall maintain a separate docket of all such notices to appear.

Any person notified to appear before the Clerk of a District Court herein before provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the Town Clerk of the municipality within which the violation occurred together with the notice such specific sum of money not exceeding three hundred dollars ($300.00) as the Town shall fix as penalty for violation of the ordinance, by-law, rule or regulation. Such payment shall, if mailed, be made only by postal note, money or check. Upon receipt of such notice, the Town Clerk shall forthwith notify the District Court Clerk of such payment and the receipt by the District Court Clerk of such notification shall operate as final disposition of the case. An appearance under this paragraph shall not be deemed to be criminal proceeding. No person so notified to appear before the Clerk of a District Court shall be required to report to any probation officer, and no record of the case shall be entered in any probation records. If any person so notified to appear desires to contest the violations alleged in the notice to appear, he may avail himself of the procedure established in said Chapter 40 Section 21D.

Added - Article 20 - October 4, 1999

TOWN OF DRACUT
BY LAWS

CHAPTER 20

COMMUNITY PRESERVATION ACT:
ARTICLE #1 - Special Town Meeting - February 26, 2001

The Town voted to accept General Laws Chapter 44B, sections 3-7, known as the Community Preservation Act, which establishes a special "Community Preservation Fund" that may be appropriated and spent for certain open space, historic resources and affordable housing purposes and to approve a property tax surcharge that shall be in the amount of two percent (2%) of the taxes assessed annually on real property and shall be in the fund, such surcharge to be imposed on taxes assessed for fiscal years beginning on or after July 1, 2001, and to exempt from the surchage the following:

Property owned and occupied as a domicile by a person who would qualify for low-income housing or low or moderate income senior housing in the community.

COMMUNITY PRESERVATION COMMITTEE

20.1 Establishment; appointment of members; membership; terms of office

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members, pursuant to the provisions of MGL, Ch.44B, Sec.5, whose purpose is to make recommendations to the Town Meeting for community preservation. The composition of the Committee, the appointing authority and the terms of office for the Committee Members shall be as follows:

A. Membership

(1) One member of the Conservation Commission established under Section 8C of Chapter 40 as designated by the Commission;
(2) One member of the Recreation Commission established under Section 2 of Chapter 45 as designated by the Commission;
(3) One member of the Historical Commission established under Section 8D of Chapter 40 as designated by the Commission;
(4) One member of the Planning Board established under Section 81A of Chapter 41 as designated by the Board;

(5) One member of the Housing Authority established under Section 3 of Chapter 121B as designated by the Authority;
(6) Four members appointed by the Board of Selectmen, all of whom must be Town Residents.

B. Each member of the Committee shall serve for a term of three years or until the person no longer serves on the Board or Commission that made his or her appointment, whichever is earlier. The members of the Committee may be reappointed for as many terms as authorized by the appointing authority. The members of the Committee may choose to elect their own Chairman who shall serve as Chairman until the Committee elects a successor.

C. Should any of the Boards, Commissions or Authorities listed in this section no longer be in existence for whatever reasons, the Town Manager shall appoint a suitable person to serve in his or her place.

D. Any member of the Committee may be removed for cause by his or her respective appointing authority after a hearing.

20.2 Duties

A. The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Recreation Commission, the Planning Board and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of this study, the Committee shall hold a minimum of one annual public informational hearing on the needs, possibilities and resources of the town regarding community preservation. Notice of the scheduled hearing(s) shall be posted publicly and published for each of two consecutive weeks preceding a hearing in a newspaper of general circulation in the town.

B. The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation, preservation of land for recreational use, for the acquisition, creation, preservation and support of affordable community housing and for the rehabilitation or restoration

of such open space, historic resources, land for recreational use and affordable community housing that is acquired or created as provided in this section. With respect to affordable community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

C. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside (for later spending) funds for specific purposes that are consistent with community preservation but which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside (for later spending) funds for general purposes that are consistent with community preservation.

D. In every fiscal year, the Community Preservation Committee must recommend either that the Town Meeting spend or set aside for later spending not less than 10% of the annual revenues in the Community Preservation Fund for:

(1) Open Space (not including land for recreational use);
(2) Historic resources; and
(3) Affordable Community Housing

E. The Community Preservation Committee may submit an annual administrative and operating budget, which can not exceed five percent (5%) of annual revenues in the Community Preservation Fund, to the Town Manager in accordance with the provisions in the Town's Charter.

20.3 Conduct of meetings; approval of actions; cost estimates.

A. The Community Preservation Committee shall comply with the provisions of Open Meeting Law, MGL Ch. 39, Sec. 23B. The Committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee.

B. The Community Preservation Committee shall approve its actions by a majority vote.

C. All recommendations to the Town Meeting shall include the Committee's anticipated costs

CHAPTER 20 (Cont'd)

20-4 Amendments.

This chapter may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of MGL Ch.44B

20-5 Severability.

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

20-6 Effective Date.

This chapter shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of MGL Ch. 40, Sec.32 have been met. Each appointing authority shall have thirty (30) days after approval by the Attorney General to make its appointments.

Article 22 - June 4, 2001

CHAPTER 21
Regulation of Pawnbrokers, Second Hand Dealers of Precious Metals, Second Hand Dealers of Articles of Tools, or Second Hand Dealers of Electronic Equipment, and or any type of Electric Media to include Compact Discs, Digital Video Discs, and/or Electronic Games.

Section 1: License Required; Application Procedure

The Board of Selectmen, acting in its capacity as the Licensing Authority for the Town of Dracut may, upon petition, license such persons as it deems suitable to be pawnbrokers or second-hand dealers of the above-referenced articles and materials and to be keepers of shops for the purchase, sale or barter of such articles pursuant to law within the Town of Dracut. Such licenses shall not be valid to protect the holders thereon in a building or place other than that designated in the license. All licenses thus granted shall contain a clause that the person thus licensed agrees to abide by and be subject to all the provisions of this By-Law or any ordinance which may be adopted by the approval of Town Meeting, not contrary to Massachusetts General Laws, relating to dealers in or keepers of shops licensed for the above purposes;

Subsection 1A: Applications for such licenses shall be examined and reported upon by the Chief of Police or his designee(s). The Chief of Police shall be informed as to whether or not the applicant wishes to engage in business as a pawnbroker or second-hand dealer of any of the above-stated articles. The applicant will be required to provide information as to whether or not they have previously held a similar license in another jurisdiction, and if such license was ever revoked, suspended or surrendered, and the reason therefore;

Subsection 1B: Applications for new licenses under this By-Law may be filed at any time with the Licensing Authority. Applications for the re-issuance of licenses already existing should be filed at least thirty (30) days before the expiration of such license. All licenses issued under this rule shall expire annually on the first day of June. Persons whose licenses have expired and have not been re-issued will be liable to prosecution for engaging in any business for which the license is required;

Subsection 1C: Whenever a licensee has failed to use his license for a period of 30 days in the business at the place for which he was licensed, the Chief of Police, through his designee, will report such to the Licensing Authority, who may then deem the license null and void.

Section 2: Records, Inspections, Signs, Hours of Operation
Every such shopkeeper shall keep a book in which shall be written, at the time of every purchase of any such article, a particular description thereof and the name, date of birth and residence of the person from whom, and the day and hour when, such purchase was made. The shopkeeper shall also require positive (picture) identification to confirm that the above information is correct. The shop of such shopkeeper, and all articles of merchandise therein, and such book shall at times, during business hours, be open to inspection by members of the Dracut Police Department or any persons authorized by the Licensing Authority. Such book shall be legibly written in the English language. No entry in such book shall be erased, obliterated or defaced;

Subsection 2A: Every shopkeeper shall require a person from whom he makes a purchase to provide positive identification (positive identification shall mean any picture identification card issued by a governmental agency) and to sign his name on a transaction form approved by the Chief of Police or his designee. In those transactions where precious metals and/or gems, regardless of form, weight or appearance are purchased, said positive identification, together with the items of previous metal and/or gems and each transaction form shall be photocopied;

Subsection 2B: Such transaction form shall be delivered in hand to the police department within seven (7) days of the time of the transaction. A copy of the transaction form shall be retained permanently by the licensed dealer/shopkeeper and kept in alphabetical order as to the name of the seller. Every such shopkeeper shall at the time of making purchases, attach a number to each article bought, traded or bartered and shall make entry of such number in the book described in Section 2;

Subsection 2C: Any Police Officer of the Town of Dracut, or any designee of the Licensing Authority, may during business hours, enter upon any premises listed by a licensee under this By-Law as the location of second-hand

dealing or pawn broker. Said Police Officer or designee may ascertain how the shopkeeper conducts business and examine any and all articles taken in trade or kept or stored in or upon said property and all books and inventories relating thereto, and all such articles, books and inventories shall be exhibited to any such Officer whenever a demand shall be made for such exhibition. Refusal to permit said viewing shall constitute a violation of this By-Law. The Officer's actions shall at all times conform to the established policy and procedures of the Dracut Police Department;

Subsection 2D: Every shopkeeper shall post in a conspicuous place in his shop a copy of this By-law to which he shall affix his printed name and signature. Every shopkeeper shall also post is a conspicuous place their license to conduct business issued under this By-Law. No shopkeeper shall place or maintain any signs upon or in connection with his licensed premises indicating or tending to indicate that any form of business is being conducted therein that they are not licensed to do or is contrary to any established law or ordinance.

Subsection 2E: Any shopkeeper conducting business pursuant to this By-Law shall have his shop open for the transaction of business only during the hours of 7:00 AM until 9:00 PM.

Section 3: Purchases from Minors; Time limit on Resale; Retention of Articles

No person licensed under this By-Law shall, directly or indirectly, either purchase or receive by way of barter or exchange, or receive any article in pawn, from any person who has not attained the age of eighteen (18) years old;

Subsection 3A: No such person shopkeeper holding a license pursuant to this By-Law shall permit any article purchased or received by him in barter to be sold, modified or removed from the licensed premises until at least a period of thirty (30) days has elapsed from the day he took possession of said article;

Subsection 3B: Articles deposited in pawn with a licensed pawnbroker shall, unless redeemed, be retained by him on the premises occupied by him for his business for at least (4) months after the date of deposit. After the expiration of the applicable period of time, he may sell the articles

by public auction, apply the proceeds thereof in satisfaction of the debt or demand and the expense of the notice and sale, and pay any surplus to the person entitled thereto on demand; provided that no such sale shall be made unless, not less than ten (10) days prior to the sale, a written notice of the intended sale shall have been sent by registered mail to the person entitled to the payment of any surplus as aforesaid, addressed to his residence, as appearing in the records of such shopkeeper. No article taken in pawn by such pawnbroker exceeding Twenty-Five and 00/100 Dollars ($25.00) in value shall be disposed of otherwise than as above provided;

Subsection 3C: Any time that the Chief of Police or his designee has determined that reasonable suspicion exists that a particular item, in the possession of the license pursuant to this By-Law, has been reported lost or stolen, a stop order shall be issued to the shopkeeper or dealer. This stop order shall prohibit the resale, return or modification of said article. If the particular article, pursuant to a valid stop order, is positively identified by the rightful owner, it shall be returned to the Police, according to existing policies and procedures of the Dracut Police Department. If, through further investigation, it is discovered that the particular item is not in fact lost or stolen, the stop order shall be lifted forthwith.

Section 4: License Fee

For every license granted under this By-Law, there shall be a fee paid to the Licensing Authority. The Licensing Authority shall set the fee on an annual basis.

Section 5: Terms of License

All the provisions of this By-Law shall be incorporated into each license which shall be granted pursuant to said By-Law. The Licensing Authority shall have the power at all times to revoke any license granted under this By-Law.

Section 6: Penalty for Violations

The penalty for violations of this By-Law shall be enforced in accordance with the provisions of Chapter 19 of the Town of Dracut By-Laws, as well as Massachusetts General Laws, Chapter 40, Section 21D. The penalty for a first offense violation of this By-Law shall be set at One Hundred and

00/100 Dollars ($100.00), and any second or subsequent offense violation shall be set at Two Hundred and 00/100 dollars ($200.00).

Section 7: Massachusetts General Law

Nothing in this Article shall be construed as conflicting with any law or license duly issued under the Laws of the Commonwealth; or act in any way relative thereto.

Amendments - Chapter 21:

Added - Article #21, June 1, 2009

TOWN OF DRACUT
BY LAWS

CHAPTER 22

Section 1: Illegal Dumping

1.1: No person shall deposit, dump or store; garbage, trash, hazardous or non-hazardous waste, toxic or non-toxic chemicals, unregistered motor vehicles, parts of motor vehicles, tires, building materials of any type, household or industrial furnishings, or appliances in or upon any public or private way or in or upon any town-owned property.

1.2: Violation of this section is punishable by a fine of Three Hundred Dollars ($300.00) for each offense, plus the cost of removal and clean up.

1.3: This section shall be enforced on behalf of the Town of Dracut by its Police Department which shall have the right to issue a citation to any and all persons in violation.

Section 2: Littering

2.1: Except on land or in receptacles designated by the Town for the dumping or placing of trash, no person shall, in any manner, whether from on foot or from any vehicle, throw, drop or discard
upon any property, public or private (except that owned or leased by him), any trash or litter of any kind whatsoever.

2.2: Violation of this section is punishable by a fine of One Hundred Dollars ($100.00) for each offense.

2.3: This section shall be enforced on behalf of the Town of Dracut by its Police Department which shall have the right to issue a citation to any and all persons in violation.

Section 3: Deposit of Materials on Public/Private Property

3.1: No person shall throw posters, handbills, flyers, advertising sheets, waste or rubbish in the public parks, streets or ways of the town.

CHAPTER 22 (Cont'd):

3.2: No person shall throw, deposit or distribute any commercial or noncommercial handbill or flyer upon any industrial, commercial, fraternal or religious premises or any commercial handbill or flyer upon any private premises without the express permission of the owner or person in charge of said premises.

3.3: No person shall affix any bill, placard, device or notice to; or write any figures, or words upon; any building, fence utility pole or wall in the Town; without the permission of the owner or the occupant.

3.4: Violation of this section is punishable by a fine of Fifty Dollars ($50.00) for a first offense, and a fine of One Hundred Dollars ($100.00) for each subsequent offense.

3.5: This section shall be enforced on behalf of the Town of Dracut by its Police Department which shall have the right to issue a citation to any and all persons in violation.

Section 4: Commercial Solid Waste Containerization and Removal

4.1: Every person, including an artificial person such as a corporation, partnership, religious society, trust or similar entity, shall deposit solid waste in a suitably sized container, which container shall be maintained by such persons in good condition at such location.

4.2: Containers shall be kept closed at all times, and the area around the containers shall be kept free of litter at all times.

4.3: It shall be unlawful for any person to whom Sections 4.1 and 4.2 of this bylaw apply to deposit solid waste in any household receptacle or public receptacle maintained on a sidewalk or at any other location for disposal.

4.4: Collection and disposal of private solid waste containers shall not commence prior to 7:00 a.m. and shall cease no later than 7:00 p.m.

CHAPTER 22 (Cont'd)

Section 5: Maintenance of Areas Free from Rubbish/Debris

5.1: All exterior private property shall be kept free of litter and rubbish.

5.2: It shall be unlawful to sweep or push litter from private property, sidewalks, and /or strips into streets. Sidewalk and strip sweepings must be picked up and put into household or commercial solid waste containers.

5.3: No persons other than an employee in the service of the Town of Dracut, or an employee in the service of an independent contractor acting for the Town shall place or cause to be placed any obstruction which includes, but not limited to, the depositing of snow, ice or the pumping of water on any traveled public way or sidewalk so as to impede the flow of traffic; or hinder the snow plowing operation on such public way; or deposit snow near or on any fire hydrant so as to obstruct the access to the fire hydrant; or allow the same to remain there without first obtaining the consent in writing of the Director of Public Works.

5.4: No adult owner or occupant of land, and no artificial occupant of land such as a corporation, partnership, religious society, trustee or similar entity owning or occupying land or officer, partner, director of trustee thereof or a person in charge of its business or employee customarily responsible for maintaining the cleanliness of its land shall permit land to be maintained in violation of Section 5.1 and 5.2 of this article.

5.5: Any person, entity, civic group, or sports organization that uses public property including recreation complexes and sporting fields, shall be responsible to remove all rubbish and debris that was brought to the premise by said person, entity, civic group, or sports organization. Failure to remove created litter will make the person(s) or organization Responsible for holding the event subject to fines as stated under Section 6, Enforcement Authorization and Fines.

CHAPTER 22 (Cont'd)

Section 6: Enforcement Authorization and Fines

6.1: Any person including an entity or corporation operating a business, found to have violated any provision of paragraphs 4 and 5, shall make a good faith effort to correct the violation within 72 hours of receiving an order of correction from the enforcement agent.

6.2: Any person failing to comply with any provision of Paragraph 5, will be subject to the following penalties:

First Offense: Written warning
Second Offense: One Hundred ($100) dollar fine
Third Offense: Two Hundred ($200) dollar fine
Fourth and Subsequent
Offenses: Three Hundred ($300) dollar fine

6.3: Each day's failure to comply with the order(s) of correction shall constitute separate violations.

6.4: Paragraph 5 of this bylaw will be enforced for the town by its Health Department, Building Department, Recreation Director, Police Department, Town Manager or his designee.

6.5: Any person wishing to grieve an order of correction or fine received may file a grievance with the Town Manager or his designee. Any decision made by the Town Manager or his designee is final.

6.6: Any person failing to comply with any provision of this bylaw may be warned or fined in accordance with the non-criminal disposition process, Massachusetts General Law Chapter 40, Section 21D, adopted by Town Meeting on October 4, 1999.

6.7: A copy of this bylaw shall be distributed by the Town Clerk after the approval by the Attorney General to every employee of the Police Department, Recreation Department, Board of Health, and Department of Pubic Works of the Town, and the Building Inspector and the Town Manager.

Article 24 - June 7, 2010 Annual Town Meeting

CHAPTER 23

RIGHT TO FARM BYLAW

Section 1 - Legislative Purpose and Intent:
The purpose and intent of this Bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations hereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Dracut restate and
republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment")

The General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities and protects farmlands within the Town of Dracut by allowing
Agricultural uses and related activities to function with minimal conflict with abutters and local agencies. This Bylaw shall apply to all jurisdictional areas within the town of Dracut.

Section 2 - Definitions:
The word "Farm" shall include any parcel, contiguous or non contiguous of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "Farming or Agriculture" or their derivatives shall include, but not be limited to the following:

- Farming in all its branches and the cultivation and tillage of the soil;
- Dairying;
- Production, cultivation, growing and harvesting of any agricultural, aquacultural , floricultural, viticultural or horticultural commodities;
- Growing and harvesting of forest products upon forest land and any other forestry or lumbering operations;
- Raising of livestock including horses;
- Keeping of horses as a commercial enterprise; and

- Keeping and raising of poultry, swine, cattle, sheep, ratites (such as emus, ostriches and rheas) And camelids (such as llama and camels) and other domesticated animals for food and other agricultural purposes including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- Operation and transportation of slow-moving farm equipment over roads within the Town;
- Control of pests, including, but not limited to, insects, weeds, predators and disease organisms of plants and animals;
- Application of manure, fertilizers and pesticides;
- Conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- Processing and packaging of the agricultural output of the farm and the operation of a farmers market or farm stand including signage thereto;
- Maintenance , repair or storage of seasonal equipment or apparatus owned or leased by the farmer used expressly for the purpose of propagation, processing, management or sale of the agricultural products; and
- On-farm relocation of earth and the clearing of ground for farming operations.

Section 3 - Right to Farm Declaration:
The right to farm is hereby recognized to exist within the Town of Dracut. The above-described agricultural activities may occur on holidays, weekdays and weekends by night or day and shall include the attendant incidental noise, odor, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community and society in general. The benefits and protections of this bylaw are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices.

Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land or as imposing any land use regulation, which is properly the subject of state statute, regulation or local Zoning law.

Section 4 - Disclosure Notification:
In order to ensure that prospective owners and prospective tenants are aware of the policy of the Town of Dracut expressed in this Bylaw regarding agricultural uses, the following notification of this policy shall be prominently posted in the Municipal building within 30 days of the Bylaw becoming effective. Copies will also be made available for distribution.

"This notification is to inform persons and entities who are about to acquire or lease real property within the Town of Dracut that it is the policy of the Town of Dracut to conserve, protect and encourage the maintenance and improvement of the agricultural land, for the production of food and other agricultural products and for the preservation of its natural and ecological value. This notification is to further inform such owners and entities that farming activities, including the raising and keeping of livestock, take place in the Town of Dracut and that such activities may cause or create noise, dust and odors which adversely impact or are incompatible with the use or enjoyment of property within the Town, including the property about to be acquired or leased. Buyers or occupants are also informed that the location of said property within the Town of Dracut may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances." Prior to the sale or leasing of real property owners should make efforts to inform prospective tenants or buyers that Dracut is a Right to Farm community. In addition, the notification language required by this section shall appear annually in the Town's Annual report.

Section 5 - Resolution of Disputes:
Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Town Manager or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Board of Selectmen or Town Manager shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town of Dracut authority within an agreed upon time frame. The Board

of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 - Severability Clause:
If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Bylaw. The Town of Dracut herby declares the provisions of this Bylaw to be severable.