

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of all By-Laws heretofore in force, which are in conflict with these By-Laws, and such conflicting By-Laws are hereby repealed.

Section 2 - The repeal of a By-law shall not thereby have the effect of reviving any By-Law theretofore repealed.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

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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.

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CHAPTER 2 (Cont'd)

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

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

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

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

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

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

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

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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.

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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

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CHAPTER 4 (Cont'd)

AMENDMENTS - CHAPTER 4:

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

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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)

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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.

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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.

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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).

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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 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, 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 granted 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

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CHAPTER 8A (Cont'd)

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

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CHAPTER 8A (Cont'd)

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.

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CHAPTER 8A (Cont'd)

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.

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CHAPTER 8A (Cont'd)

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.

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CHAPTER 8A (Cont'd)

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

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CHAPTER 8A (Cont'd)

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.

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CHAPTER 8A (Cont'd)

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.

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CHAPTER 8A (Cont'd)

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.

**TOWN OF DRACUT
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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.

**TOWN OF DRACUT
BY LAWS**

CHAPTER 9 (Cont'd)

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.

**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**

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

TOWN OF DRACUT
BY LAWS

AMENDMENTS - CHAPTER 9A:

Original 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.

**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.

**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.

**TOWN OF DRACUT
BY LAWS**

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.

**TOWN OF DRACUT
BY LAWS**

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

**TOWN OF DRACUT
BY LAWS**

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

**TOWN OF DRACUT
BY LAWS**

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.

**TOWN OF DRACUT
BY LAWS**

CHAPTER 11 (Cont'd)

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.

**TOWN OF DRACUT
BY LAWS**

CHAPTER 11 (Cont'd)

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**

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

**TOWN OF DRACUT
BY LAWS**

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

**TOWN OF DRACUT
BY LAWS**

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/FEEES

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.

**TOWN OF DRACUT
BY LAWS**

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.

**TOWN OF DRACUT
BY LAWS**

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.

**TOWN OF DRACUT
BY LAWS**

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
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**TOWN OF DRACUT
BY LAWS**

CHAPTER 12 (Cont'd)

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.

**TOWN OF DRACUT
BY LAWS**

CHAPTER 12 (Cont'd)

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

**TOWN OF DRACUT
BY LAWS**

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.

**TOWN OF DRACUT
BY LAWS**

CHAPTER 12 (Cont'd)

- 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.

**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.

**TOWN OF DRACUT
BY LAWS**

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

**TOWN OF DRACUT
BY LAWS**

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 is 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.

**TOWN OF DRACUT
BY LAWS**

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.**

**TOWN OF DRACUT
BY LAWS**

CHAPTER 13 (Cont'd)

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:

**TOWN OF DRACUT
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CHAPTER 13 (Cont'd)

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

TOWN OF DRACUT
BY LAWS

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.

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

TOWN OF DRACUT
BY LAWS

- 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).

TOWN OF DRACUT
BY LAWS

- 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.

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.

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.

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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.

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

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BY LAWS

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

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

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.

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

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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

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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 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

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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

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:

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

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.

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.

**TOWN OF DRACUT
BY LAWS**

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

**TOWN OF DRACUT
BY LAWS**

CHAPTER 16 (Cont'd)

Section 11. Every hawker or peddler shall exhibit his license or certificate of registration when the same is demanded of him by a selectman 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
Article 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.

**TOWN OF DRACUT
BY LAWS**

CHAPTER 18 (Cont'd)

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.

**TOWN OF DRACUT
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CHAPTER 18 (Cont'd)

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

**TOWN OF DRACUT
BY LAWS**

CHAPTER 18 (Cont'd)

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.

**TOWN OF DRACUT
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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;

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CHAPTER 18 (Cont'd)

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.

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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.

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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 surcharge 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;

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CHAPTER 20 (Cont'd)

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

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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;

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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 in 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

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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

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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.

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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 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

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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