



TOWN OF HUDSON

GENERAL BY – LAWS

Revised through November 20, 2023

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ARTICLE I - ADMINISTRATIVE CODE

Section 1.0 Objective.

In order to promote the public good, by rendering more effective and more responsive the diverse activities of boards, commissions, committees, departments, and authorities engaged in Hudson's municipal government an Administrative Code is hereby established pursuant to the provisions of Section 5-1-2 of the Town Charter adopted in May 1978.

The objective of this administrative code is to define the plan of organization which establishes operating divisions or departments for the orderly, efficient or convenient conduct of the business of the Town.

Section 2.0 Definitions.

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the Administrative Code shall have the following meaning:

- (a) Charter - The word 'charter' shall mean the Town Charter and any amendments to it made through any of the methods provided under Article LXXXIX (eighty-nine) of the amendments to the State Constitution.
- (b) Department - The word 'department' shall mean the following Boards: Cemetery Commission, Civil Defense Department, Town Clerk's Department, Council on Aging, Council on Youth Affairs, Finance Department, Fire Department, Library Department, Department of Licenses, Inspections and Permits, Park Commission, Police Department, Public Works Department and Veterans' Services Department.
- (c) Emergency - The word 'emergency' shall mean a sudden unexpected, unforeseen happening, occurrence or condition which necessitates immediate action.
- (d) Local Newspaper - The words 'local newspaper' shall mean a newspaper of general circulation within the Town of Hudson.
- (e) Majority Vote - The words 'majority vote' shall mean a majority of those present and voting, provided that a quorum of the body is present.
- (f) Multiple-Member Body - The words 'multiple-member body' shall mean any appointed body consisting of two or more members.
- (g) Service Group - The words 'service group' shall mean any of five (5) groups of boards, departments or officials rendering assistance to the public or the town government in the functional areas of: 1. Administration, 2. Public Safety, 3. Public Works, 4. Community Development, and 5. Human Services.
- (h) Town - The word 'town' shall mean the Town of Hudson.
- (i) Town Board - The words 'town board' shall mean any board, commission, committee or council of the town government.

Section 3.0 General Duties of Boards.

Section 3.A Appointment of Town Officers and Multi-member Boards

The Select Board shall appoint all town officers and members of multiple-member bodies except those appointed by the Executive Assistant and Department Heads pursuant to 4.3 of the Charter, or as may be otherwise provided for by statute, charter, by-law or vote of the town meeting.

Section 3.B Composition, Term of Office

Except as otherwise directed by Statute, Town Charter, By-Law or vote of the Town Meeting, all multiple-member bodies shall consist of three or more members appointed for terms of three (3) years each and so arranged that the term of one third of the members or as nearly that number as may be shall expire each year.

Section 3.C Expiration of Terms

Every appointment to Town Office shall begin on the first day of January for the term specified in the Town Charter, by law or by action of the Select Board and shall continue until a successor is chosen and qualified.

Section 3.D Vacancies and Forfeiture of Office

(a) The provisions of the Town Charter Section 3-8 shall apply to filling vacancies.

Section 3.E Boards to Organize

Forthwith after its appointment and annually, the Board shall meet and organize by electing a chairman and a clerk. A majority of the Board shall constitute a quorum for the transaction of business.

Section 3.F Boards May Incur Expenses

The board may employ assistance and incur expenses as it deems necessary, subject to the appropriation of funds therefor.

Section 3.G Boards May Establish Rules

Town Boards may establish rules for the conduct of their duties.

Section 3.H Boards Exempt

The following Boards are exempt from the requirements of Section 3.0 General Duties of Boards: School Committee, Municipal Light Board and Housing Authority.

Section 3.I Plans and Policy Development

Town Boards shall be responsible for development of plans and policies which set forth in graphic and textual form the manner by which the future development of the Town functions or services in their charge can best be achieved.

Section 3.J Administrative Regulation.

(a) Town Boards shall conform to Town Policies established by the Select Board, where the policies are not otherwise directed by By-Law, by this Charter or by Statute.

(b) Town Boards shall conform to the Standard Operating Procedures established by the Executive Assistant, where the procedures are not otherwise directed by Statute or Charter.

Section 3.K Assistance of Town Boards

Town Boards may request assistance from the other offices of the town for aid in general or technical matters. The Board, Department or Official may assist other town offices where it is within their budget or ability. The Executive Assistant's Office and Select Board may be requested to give guidance and direction.

Section 3.L Records of Minutes to be Submitted

Town Boards shall file a set of minutes with the Town Clerk and the Select Board within thirty (30) days of their being accepted by the Town Board.

Section 3.M Annual Reports of Town Boards

All town officers, boards, commissions, committees and departments shall deliver to the Select Board their annual report for the fiscal year ending June 30 prior to the thirtieth day of November after the close of the completed fiscal year. The Select Board shall deliver its annual report for the completed calendar year to the Town Accountant on or before the thirtieth day after the close of the calendar year. The Town Accountant shall deliver to the Select Board his annual report within such time period as designated by the Select Board. All reports shall be signed by at least a majority of the Board. The Select Board shall cause these reports, together with a list of town officers and other matter usually published, to be printed and placed in the hands of the Town Clerk, ready for distribution, ten (10) days at least, before the next regularly scheduled town meeting.

The annual report of each town officer, board, commission, committee and department shall be accompanied by a schedule of all property in its charge at the end of the fiscal year, with the valuation thereof, and a copy of each annual report and schedule shall be delivered to the Executive Assistant at the time of filing with the Select Board. G.L.Ch. 40 Sec 49.

Section 3.N Record of Attendance

The Chairman of each Board shall keep an attendance record of each regular meeting, special meeting, executive session and other legally conceived meeting of the Board. The record shall be submitted quarterly to the Town Clerk's Office. The record shall be presented by the twentieth day of the month following the end of the quarter. The quarters shall end the last days of March, June, September and December. (Reference 5.5. Charter)

Section 3.O Records of Town Boards

The secretary or clerk of each Board shall maintain the records of the Board. When there is no secretary or clerk the Chairman shall be charged in the responsibility. When there is no Chairman, the senior member of the Board shall be responsible. Every Town Board shall maintain its permanent records in a location in Town Hall, designated by the Executive Assistant. The records are to be kept secure against vandals and in a fireproof container.

Section 3.P Legal Recourse

The Boards shall notify the Executive Assistant's Office and the Town Counsel of any legal action instituted against the town. Town Boards shall consider legal assistance in the event they have exhausted administrative procedure attempting to execute their duties. Town Boards may by a vote of their members request legal assistance through the Executive Assistant. The Town Counsel will consider the written request and consult with the Board and the Administration.

Section 3.Q Boards Duties and Responsibilities, (not to be construed as exclusive)

Town Boards shall identify in the Statutes, Town Charter and By-Laws their power and duties. The Board shall be responsible for taking such actions as it deems appropriate in the execution of its duties. The duties identified in statute are typical but not all inclusive. The needs and problems identified by Boards may require actions not identified in statute.

Section 3.R Certificate of Election and Appointment; Oath of Office

Every person who is elected, including those appointed by the Select Board to an office shall receive a certificate of such election or appointment from the Town Clerk. Except as otherwise provided by law, before performing any act under his election or appointment, he shall take and subscribe to an oath to qualify him to enter upon his duties. A record of the taking of such oath shall be made by the Town Clerk.

Section 3.S Rules and Regulations to be Submitted

Each Board and Department having enacted rules and regulations is directed and required to furnish an attested copy to the By-Law Committee and the Town Clerk. Attested copies of all changes thereto are to be submitted within ten (10) days of enactment.

Section 3.T Elected Boards to Organize

The elected boards of the Town shall organize each year at the first meeting following the Town Meeting Election. They shall elect a Chairman and Clerk unless otherwise directed by Statute and Town Charter.

Section 4.0 Plan of Organization

Section 4.1 General Purpose of the Plan

The Administrative Code sets forth the basic structure of town government by first identifying the many boards, departments and officials, the manner of their appointment and the general duties

with which they are charged. The Code is not all inclusive and is for the ready identification of the basic elements and duties of town government. The second objective of the Administrative Code is to standardize the common aspects of the town government (section 3 of Article I). These provisions and others direct Boards, Departments and Officials to deliver certain responsibilities and duties in a standard manner of time. The third objective of the Administrative Code is the identification of Service Groups which are functionally similar. The Boards, Departments and Officials within the group are called on to seek solutions to common problems and promote the effective operation of the Town by joint cooperation. The fourth objective of the Administrative Code is to clarify the various duties of Boards, Departments and Officials of the town. The duties of these groups for internal management, the effective delivery of services and the responsibility to give direction and advice to the Select Board, Executive Assistant, Planning Board, Capital Planning Committee and others that can promote effective government is sought and directed. The fifth objective is the effective delivery of town services by the development of a department structure that organizes the employees of the town into departments which are administered by the Executive Assistant.

Section 4.2 The Common Element of the Plan

The first five (5) sections of the Administrative Code set forth the frame work that the town government will follow to deal internally with itself and to a lesser degree with special districts in which it may participate. The Objective (Section I) sets forth the goal of effective and efficient operation of Boards, Departments and Officials. The Definitions (Section II) clarify the references of the Administrative Code By-Law, notes the departments of the town and service groups. The General Duties of Boards (Section III) organizes the many diverse requirements required of boards in Statute, Charter and By-Law. In addition, the boards are charged with duties to enable the Select Board to better effect town government services. The Plan of Organization (Section IV) sets forth the basic structure and relationships of boards, departments and officials that are further defined in Sections 5 through 10 of the Administrative Code. The Principal Bodies and Special Districts (Section V) identified in this section are the prime movers in the Basic Sectors of Town Government. The Town Meeting controls the legislative functions of the town by setting laws and allocating funds.

The Select Board as the Chief Executives of the Town are in direct contact with the Boards of the Town and with the departments through the Executive Assistant as provided by Charter.

The School Committee controls the educational system of the town as regulated by Statute, Charter, By-Law and vote of the Town Meeting.

The Municipal Light Board controls the Light and Power Department as regulated by Statute, Charter, By-Law and vote of the Town Meeting.

The Housing Authority controls the administration and services of the agency as regulated by Statute, Charter and By-Law.

The Special Districts further influence town government by these local agreements for service and coordination.

Section 4.3 The Service Groups of the Plan

The five (5) service groups organize into functional grouping the basic units of town government. These five service groups address the common areas of needs and generally

utilize similar approaches to their resolution. The service groups are Administration, Public Safety, Public Works, Community Development and Human Services. The structure of service groups provides the format for Boards, Departments and Officials to meet jointly and coordinate programs and activities to enable more effective services. The Boards, Departments and Officials have a general realm set forth for the individual unit identified.

Section 4.4 Reserved

Section 5.0 Town Meeting, Principle Elected Boards and Special Districts

The Principle Bodies of the Town from which most powers are derived are: (a) The Town Meeting, (b) Select Board, (c) School Committee, (d) Municipal Light Board, (e) Housing Authority, (f) Special Districts. The composition and terms of office of the members of these groups shall be in accordance with the provisions of the Town Charter, the Town By-Laws and/or applicable sections of the General Laws.

Section 5.1 Town Meeting

- (a) Composition. The Legislative Body in the Town of Hudson is the Open Town Meeting. Membership of the Town Meeting includes all legal voters of the Town. (G.L. Chapter 39, Section 18).
- (b) Powers and Duties. The Town Meeting exercises legislative powers by the action of the electorate at the annual town election and by actions at the annual and special business sessions.

Section 5.2 Select Board

- (a) Term of Office. The Select Board shall consist of five (5) members elected by the Town Meeting. They shall serve staggered three (3) year terms such that the term of office of at least one member expires each year.
- (b) Powers and Duties. The Select Board serve as chief executive of the town and has general supervision over all matters not assigned by Statute, Charter, or by By-Law to other town officers. The members of the Select Board have the power to appoint the town officers and boards identified in Section 4.5.2 and all other officers and boards as required. The members of the Select Board act as the licensing authority to the town and may issue permits and licenses for a variety of purposes, as set forth in the Statutes and By-Laws. G.L. Chapter 140.

Section 5.3 School Committee

- (a) Term of Office. There shall be a school committee consisting of seven (7) members elected by vote of the registered voters of the Town for three (3) year overlapping terms such that the terms of at least two members expire each year.

- (b) Powers and Duties. The School Committee shall have all the powers and duties school committees may have under the constitution and the General Laws of the Commonwealth.

Section 5.4 The Municipal Light Board

- (a) Term of Office. There shall be a Municipal Light Board which shall consist of three (3) members elected by the Town Election. They shall serve staggered terms of three (3) years such that the term of at least one member expires each year.
- (b) Powers and Duties. The Municipal Light Board shall pursue its duties as defined in G.L. Chapter 164, Charter, By-Law and vote of the Town Meeting.

Section 5.5 The Housing Authority

- (a) Term of Office. There shall be a Housing Authority which shall consist of four (4) member selected at the Town Election and one (1) appointed by the Massachusetts Department of Community Affairs. The members shall serve staggered terms of five (5) years. (G.L. Chapter 121B, Sections 3 and 5).

Section 5.6 Special Districts

The Town Meeting and/or the Select Board may join special districts. The composition and terms of office of elected or appointed officials shall be in accordance with the provisions of the Town Charter, the Town By-Laws and Statute.

Section 5.6.1 - Assabet Valley Vocational School District

- (A) Appointed Members: Not sooner than four months and not later than two months from the expiration date of the Town elected representative's term of office, the Town shall appoint one member to serve for a term of four years. Thereafter, in every year in which the Town representative's term expires, the Town, not sooner than four months and not later than two months from the expiration date of said term, shall appoint one member for a year term of office.

The appointment shall be made by a majority vote of the Select Board and the local School Committee members acting jointly.

- (B) Vacancies: If a vacancy in the Town's appointed member of the school district committee occurs, the Select Board and the local school Committee members, by a majority vote, acting jointly, shall appoint a member to serve for the balance of the unexpired term.

Section 5.6.2 Metropolitan Area Planning Council

The Select Board shall appoint a representative to the Metropolitan Area Planning Council for a term of three (3) years. (G.L., Chapter 40B, Section 24)

Section 5.6.3. Other Regional Advisory Districts

Other Regional Advisory Districts, Mutual Assistance, and Multiple Community Committees shall be appointed by the Select Board unless otherwise mandated by Statute, Charter, By-Law, or vote of the Town Meeting.

Section 6.0 Administrative Service Group

The Boards, Departments and Officials identified in the following service group set policies and administer the day to day activities of the Town of Hudson. The close coordination of their activities improves the effective and efficient operation of town government thus enabling the other agencies of the town to deliver their services more effectively.

6.1 The Select Board

(a) Powers and Duties of the Select Boards.

- (I) The members of the Select Board shall have the general direction and management of the property and affairs of the town in all matters not otherwise provided for by law, by the Home Rule Charter or by these By-Laws.
- (II) All conveyances of land or interests in land which may hereafter be authorized by vote of the town or otherwise except land held under tax titles, shall be signed by a majority of the Select Board, unless otherwise provided by law, or these By-Laws, or by special vote of the town, and the same shall be sealed with the town seal.
- (III) The members of the Select Board shall furnish, for the use of the voters at each town meeting, and at any adjournment thereof, printed copies of the warrant for the meeting.

6.2 Office of the Executive Assistant

- (a) Term of Office. The Office of the Executive Assistant shall include, but not be limited to the Executive Assistant. The Executive Assistant shall serve pursuant to Section 4-1 to 4-4 of the Town Charter.
- (b) Powers and Duties. The Executive Assistant shall carry out the duties identified in Charter and By-Law. The Executive Assistant, at the request of the Select Board, is authorized to dispose of, at public or private sale, any personal property the value of which does not

exceed two thousand dollars (\$2,000.00) said property owned by the Town and no longer needed for public use to be sold to the best advantage of the Town.

6.3 Finance Committee

- (a) Term of Office. There shall be a Finance Committee consisting of nine citizens of the town other than town officers and members of committees. Three members of said committee shall be appointed on July first of each year to serve for three years from date. Such committee shall be appointed by an appointing committee as set forth in Section 3.7(b) of the Home Rule Charter. Any member of said committee who shall be elected by ballot to any (other) town office shall forthwith upon his qualification to such office, and any member who shall remove from the town shall upon such removal, cease to be a member of said committee. Said committee shall choose its own officers.
- (b) Powers and duties. The Finance Committee shall consider each article in any warrant for a Town Meeting, after which the Committee must make recommendations to the Town Meeting as it deems best for the interests of the town and its citizens. The Finance Committee shall approve or disapprove requests for transfer of funds against the reserve fund. The Town Accountant and Executive Assistant are to be notified of any action or transfer of funds requests.

6.4 Director of Municipal Finance

- (a) Term of Office: There shall be a Director of Municipal Finance who shall be the head of the Department of Finance. The Town Accountant may be appointed by the Executive Assistant pursuant to Section 4-3 [c] of the Town Charter who shall serve for a term identified at the time of his appointment subject to confirmation by the Select Board. Reappointments to this position shall be subject to the same process as noted above.
- (b) Powers and Duties. The Department of Finance shall be responsible for all functions related to municipal finance administration and control, including, but not limited to, accounting, auditing, collections, assessments, treasury, investments, billing, budgeting, financial reports. The principal positions within the Department of Finance include the following: [a] Director of Municipal Finance, [b] Town Accountant, [c] Town Collector, [d] Town Treasurer, [e] Office of Assessing. The Director of Municipal Finance shall pursue such other activities as are necessary to provide an effective and efficient department servicing the town and its citizens.

6.4.1 Town Accountant

- (a) Term of Office. The Town Accountant shall be appointed by the Select Board pursuant to Section 3-7(a) of the Town Charter for a term of three (3) years. The Town Accountant may be appointed by the Executive Assistant as the Director of Municipal Finance.

- (b) Powers and Duties. The Town Accountant shall examine the books and accounts of all town officers and Boards entrusted with the receipt, custody or expenditure of money. He shall pursue the duties set forth for the position in G.L., Chapter 41, Sections 55 through 61.

6.4.2-6.4.3 Town Treasurer/Collector

The Director of Municipal Finance, as head of the Department of Finance, shall appoint the Town Treasurer/Collector pursuant to the authority contained in Section 4.3[c] of the Town Charter for a term of three (3) years.

A. The Town Treasurer/Collector shall have the following powers and duties as Treasurer:

- 1) The Treasurer/Collector is authorized, subject to the approval of the Select Board to sell, convey, and transfer, for the Town's benefit, real property taken by the Town under existing Tax Title Procedures.
- 2) If such property is sold, conveyed or transferred at public auction, then the notice of such auction shall be posted at least fourteen (14) days before the auction provided, however, that the Select Board or whomsoever they may authorize to hold the auction may reject any bid which is determined to be insufficient.
- 3) Any money received by the Town Treasurer/Collector as a refund from the County of Middlesex on dog license receipts shall be expended for the support of the Public Library.
- 4) The Treasurer/Collector shall provide all of the services necessary for the effective and efficient management of the office and for the carrying out of the duties as set forth in the By-Laws of the Town of Hudson and General Laws of the Commonwealth of Massachusetts.

B. The Town Treasurer/Collector shall have the following duties as Collector:

- 1) The Town Treasurer/Collector shall collect all accounts due to the Town, and also collect all electric light and power rates assessed by the Municipal Light Board except interest on investments of trust funds.
- 2) All accounts coming due to the Town of Hudson, with the exception of the electric light and power rates shall forthwith be coming by the various Town Officers, Boards and Committees to the Town Treasurer/Collector together with all necessary and available information in relation thereto, a copy of said commitment shall be transferred to the Director of Finance.
- 3) If the Town Treasurer/Collector determines that legal action may be necessary to establish or collect any amounts due to the Town of Hudson, except for any real and personal property taxes, then the Executive Assistant shall be notified and the Town Treasurer/Collector shall further report to the Executive Assistant from time to time, as directed, on the status of all uncollected accounts.
- 4) The Town Treasurer/Collector as Collector shall at least once in each week pay over to the Town Treasurer/Collector as Treasurer all monies received as interest and

fees on monies recovered by him or her on such accounts and deposited in any banking institution.

- 5) The Town Treasurer/Collector, as Collector, shall provide other services necessary for carrying out all duties and responsibilities under local and state law.

6.4.4 Assessing Office

- (a) Term of Office. The Director of Finance shall appoint pursuant to Section 4-3[c] of the Town Charter such person or persons necessary to carry out the day to day functions of the Office of Assessing. One person shall be designated as Supervisor of the Office of Assessing, who shall serve the Director of Finance for a three (3) year term. The Office of Assessing shall be responsible to and report to the Director of Finance.

6.4.5 Board of Assessors

- (a) Term of Office. There shall be a Board of Assessors composed of three (3) members elected by the Town Meeting each serving a term of three (3) years so that the term of office of at least one member expires each year.
- (b) Powers and Duties. The Board of Assessors shall carry out their duties pursuant to Statute, Charter, By-Law and vote of the Town Meeting. (G.L., Chapter 41 and Chapter 59).

6.5 Trustees of Benevolent Funds

- (a) Term of Office. There shall be elected by the Town Meeting three (3) Trustees of Benevolent Funds who shall sit as a Board. The term of each shall be three (3) years serving so that the term of office of at least one (1) member expires each year.
- (b) Powers and Duties. The Trustees shall pursue the duties set forth in Statute, Charter, By-Law and vote of the Town Meeting. They shall pursue such other activities as are necessary to provide effective and efficient services to the municipal government and the citizens of the town.

6.6 Town Counsel

- (a) Term of Office. The Select Board shall appoint a Town Counsel pursuant to Section 3-7(a) of the Town Charter who shall serve at the pleasure of the Select Board for an indefinite term.
- (b) Powers and Duties. The Town Counsel shall pursue the duties set forth in Statute, Charter, By-Law and by vote of the Town Meeting.

6.7 Law Committee

- (a) Term of Office. The Select Board shall be the Law Committee.
- (b) Powers and Duties.
 - (I) The members of the Select Board shall have the full and exclusive authority as agents of the town to institute, prosecute, defend, compromise, and settle all claims, suits and actions brought by or against the town, or protect the town by liability insurance from any or all claims, provided, however, that no claim or action against the town, unless reduced to the form of an execution or decree of court shall, except in cases which are covered by liability insurance, be compromised or settled by the payment of any amount in excess of three hundred dollars, without a special vote of the town.
 - (II) The Select Board through the Executive Assistant, or the Executive Assistant, may, whenever they deem necessary, employ special counsel to assist or act in place of the Town Counsel.
 - (III) The Town Counsel when required by the Executive Assistant, shall furnish a written opinion on any legal question that may be submitted to him in regard to any matter which concerns any Board or committee, and he shall at all times furnish legal advice to any officer of the town upon any subject concerning the duties incumbent upon such officer by virtue of his office, upon request of such officer submitted through the Executive Assistant.

6.8 The By-Law Committee

- (a) Term of Office. There shall be a By-Law Committee appointed by the Select Board pursuant to Section 3-7[c] of the Town charter, consisting of five [5] members, each for three [3] year terms, so that the term of at least one [1] member expires each year.
- (b) Powers and Duties. The By-Law Committee's purpose shall be to study, revise, codify and make available to all interested citizens of the Town of Hudson and the rules and regulations of the various Boards and Departments. The Committee may request attested copies of rules and regulations enacted by Boards and Departments.

6.9 Town Clerk (Department)

- (a) Term of Office. There shall be a Town Clerk's Department headed by a Town Clerk. He shall be appointed by the Executive Assistant to serve a term of three (3) years pursuant to Section 4-3[c] of the Town Charter.
- (b) Powers and Duties.
 - (I) The Town Clerk shall exercise the duties required by statute, charter, by-law and vote of the Town meeting.

(II) He shall keep a file of all Town reports, reports submitted by all committees chosen by the Town, and all original documents relating to the affairs of the Town, which come into his custody. He shall index suitably all such reports and all the records of the Town in his custody in a manner convenient for reference and examination.

(III) The Town Clerk shall be required to deliver and pay over to the Treasure/Collector at the end of each month all fees and charges collected during the month, except any salary paid him by virtue of his office as clerk of the Board of Registrars of Voters under the provisions of Massachusetts General Laws Chapter 41, Section 19G, as amended.

The Town Clerk shall pursue such other activities as are necessary to provide an effective and efficient department offering services to town boards and departments and the citizens of the town.

6.10 Board of Registrars

- (a) Term of Office. There shall be a Board of Registrars composed of the Town Clerk and three (3) other members appointed by the Select Board pursuant to Section 3-7(a) of the Town Charter, each for three (3) year terms, so that the term of office of at least one of these three members expires each year.
- (b) Powers and Duties. The Board of Registrars shall exercise its duties pursuant to Chapter 51, Sections 15 through 63 G.L. . These duties generally include voter registration activities. (Chapter 51, Sections 31-41a, G.L.).

6.11 Moderator

- (a) Term of Office. The Moderator shall be elected by vote of the registered voters of the Town at each Town election for a one (1) year term. The Moderator shall appoint a deputy moderator to serve in the event of his absence or disability, provided that the Town Meeting ratifies such appointments.
- (b) Powers and Duties. The Moderator shall have the powers and duties provided for that office by Statute, by Town Charter, By-Law and by other vote of the Town Meeting.

6.12 Personnel Board

- (a) Term of Office. There shall be a Personnel Board composed of five (5) members appointed by the Select Board pursuant to Section 3-7(a) of the Town Charter, each for Three (3) year terms, so that the term of office of at least one member expires each year. The Personnel Board consisting of three unpaid members shall be residents of the Town and shall be responsible for the review of the classification and compensation plans. The Board shall be appointed by the Select Board and shall not include employees or elected officials of the Town.

- (b) Powers and Duties.
 - (I) The Board shall review the plans and shall make recommendations as to procedures it deems necessary for the proper administration thereof to the Executive Assistant.
 - (II) The Board may employ assistance and incur expenses as it deems necessary, subject to the appropriation of funds therefor.
 - (III) The Board, from time to time, at the request of the Executive Assistant, shall investigate the work features and rates of salaries or wages of any or all positions subject to the provisions of this By-Law. Such reviews shall be made at such intervals as the Executive Assistant deems necessary and, to the extent which the Executive Assistant considers practicable, shall include all occupational groups in the classification plan.

6.13 Fence Viewers

- (a) Term of Office. There shall be three (3) citizens appointed as Fence Viewers by the Select Board, each for a term of one year. (G.L. Chapter 49, Section 1).
- (b) Powers and Duties. The Fence Viewers shall arbitrate disputes between property owners concerning the erection and maintenance of fences between their property. The citizens appointed shall determine methods of fulfilling their duties pursuant to statute, charter, by-law and vote of the town meeting and so notify the Town Clerk and By-Law Committee (G.L. Chapter 49, Sections 1-21)

6.14 Adhoc Committee for Administrative Needs

- (a) Term of Office. The Town Meeting or Select Board may from time to time appoint AdHoc Committees to serve a special function. The membership and term of office shall be defined by the appointing authority or by the By-Law.
- (b) Powers and Duties. The Committee shall be responsible for the execution of the general duties identified in Section 3 of Article I of this By-Law. The Committees special duties shall be set forth by the appointing authority.

Section 7.0 Public Safety Service Group

shall include those departments and groups responsible for the protection of the town. Included within this Public Safety Group are: [a] Police Department [b] Constables [c] Fire Department [d] Civil Defense [e] Auxiliary Police [f] Department of Licenses, Permits and Inspection [g] Fort Meadow Commission Representative [h] Lake Boone Commission Representative.

7.1 Police Department

- (a) Term of Office. There shall be a Police Department headed by a Police Chief appointed by the Executive Assistant. The Police Chief shall appoint the officers, patrolmen, special police, auxiliary police and other of the Department pursuant to Statute, Charter, By-Law and Section 4.3[c] of the Town Charter.
- (b) Powers and Duties. The Police Department shall pursue the duties and responsibilities identified in Statute, Charter, By-Law and vote of the Town Meeting.

7.2 Auxiliary Police Division

- (a) Term of Office. There shall be an Auxiliary Police Division headed by a Captain. He shall be appointed by the Chief of Police to serve a term of three (3) years. The Police Chief shall appoint the members of the department pursuant to Section 4-3[c] of the Town Charter.
- (b) Powers and Duties. The Auxiliary Police Division shall pursue the duties and responsibilities identified in Statute, Charter, By-Law and vote of the Town Meeting.

7.3 Constables

- (a) Term of Office. There shall be elected three (3) Constables by the Town Meeting, each serving a term of three (3) years, pursuant to Sections 3-1 and 8-7[c] of the Town Charter.
- (b) Powers and Duties. The Constables shall pursue the duties and responsibilities identified in Statute, Charter, By-Law and vote of the Town Meeting.

7.4 Fire Department

- (a) Term of Office. There shall be a Fire Department headed by a Fire Chief appointed by the Executive Assistant. The Fire Chief shall appoint the officers, firefighters, call firefighters and other positions comprising the Fire Department, all said appointments pursuant to Section 4-3[c] of the Town Charter.
- (b) Powers and Duties. The Fire Department shall pursue the duties and responsibilities identified in Statute, Charter, By-Law and vote of the Town Meeting.

7.5 Civil Defense

- (a) Term of Office. There shall be a Department of Civil Defense headed by a Civil Defense Director appointed by the Executive Assistant pursuant to Section 4-3[c] of the Charter. He shall serve a term of three (3) years in length. The Civil Defense Director shall appoint the members of the Department pursuant to Section 4-3[c] of the Town Charter.

- (b) Powers and Duties. The Civil Defense Department shall pursue the duties and responsibilities identified in Statute, Charter, By-Law and vote of the Town Meeting.

7.6 Department of Licenses, Permits and Inspections

The Department of Licenses, Permits and Inspection shall consist of the following:

(a) Building Inspection, (b) Wiring Inspection, (c) Gas Inspection (d) Plumbing Inspection, (e) Zoning Inspection, (f) Sanitation Inspection, (g) Animal Inspection and Control, (h) Control of Weights and Measures, (i) All other groups, positions, purposes and functions that relate to inspection and code enforcement activities in and for the Town.

- (a) Term of Office: Director of Licenses, Permits and Inspection. The Executive Assistant may appoint a Director of the Department of Licenses, Permits and Inspection pursuant to Section 4-3(c) of the Town Charter for a term identified at the time of his appointment to this office. The Building Commissioner may be appointed the Director of this department. He shall establish regular methods of administration and inspection for all members of the department. To further the effective and efficient operation of this department he may pursue such other related activities as to increase the service to the town and the citizens therein.
- (b) Powers and Duties. The Director shall pursue the duties and responsibilities identified in Charter, By-Law and by vote of the Town Meeting.

7.7 Building Commissioner

- (a) Term of Office. The Director of the Department of Licenses, Permits and Inspection shall annually appoint the Building Commissioner to serve a one (1) year term starting the first day of January pursuant to Section 4-3(c) of the Town Charter.
- (b) Powers and Duties. The Building Commissioner is generally responsible for the enforcement of the State Building Code. (G.L. Chapter 143, Section 1- 61). He shall inspect every building which is reported to be unsafe. (G.L. Chapter 143, Section 6). He may also serve as the Director of the Department of Licenses, Permits and Inspection.

7.8 Zoning Code Enforcement Officer

- (a) Term of Office. The Building Commissioner shall be the Zoning Code Enforcement Officer.
- (b) Powers and Duties: The Zoning Code Enforcement Officer shall execute his duties pursuant to Statute, Charter, By-Law, the Zoning By-Law and vote of the Town Meeting. (G.L. Chapter 40A, Section 1-17).

7.9 Gas Inspector

- (a) Term of Office. The Director of the Department of Licenses, Permits and Inspections shall annually appoint the Gas Inspector, pursuant to Statute, Charter, By-Law and vote of the Town Meeting. (G.L. 143, Section 3-0 and Town Charter Section 4-3(c)).

- (b) Powers and Duties. The Gas Inspector is generally responsible for statute and the State Building Code. The Gas Inspector may also be appointed Plumbing Inspector.

7.10 Plumbing Inspector

- (a) Term of Office. The Director of the Department of Licenses, Permits and Inspections shall appoint the Plumbing Inspector and the Deputy Plumbing Inspector, pursuant to Statute and Charter for a term identified at the time of the appointment. (G.L. Chapter 142, Section 11 and Town Charter, Section 4-3(c). The Plumbing Inspector is generally responsible for the inspection of all plumbing in the process of construction, alteration or repair for which permits are granted within the Town. (G.L. Chapter 142, Sections 11 and 12).

7.11 Wiring Inspector

- (a) Term of Office. The Director of the Department of Licenses, Permits and Inspections shall appoint the Wiring Inspector and any assistants for a term of one (1) year. (G.L. Chapter 166, Section 32).
- (b) Powers and Duties. The Inspector is responsible for the supervision of every wire over or under the streets and buildings within all structures designed to carry electric light, heat or power current. Further he shall pursue the duties identified in statute and the state building code.

7.12 Sealer of Weights and Measures

- (a) Term of Office. The Director of the Department of Licenses, Permits and Inspections shall appoint the Sealer of Weights and Measures pursuant to Section 4-3(c) Town Charter and G.L. Chapter 98, Section 35 and Chapter 31).
- (b) Powers and Duties. The Sealer enforces the laws pertaining to weighing and measuring devices. (G.L. Chapter 98).

7.13 Animal Inspector

- (a) Term of Office. There shall be an Animal Inspector nominated annually by the Director of the Department of Licenses, Permits and Inspections. The nomination shall be submitted to the Select Board for consideration prior to the submission of the nomination to the State Director of Animal Health. (G.L. Chapter 129, section 15-16).
- (b) Powers and Duties. The Animal Inspector makes inspections of all cattle, sheep and swine within the Town. (G.L. Chapter 129, Section 17-26). The Animal Inspector may also be appointed Dog Officer and Pound Keeper.

7.14 Pound Keeper

- (a) Term of Office. The Director of the Department of Licenses, Permits and Inspections shall appoint the Pound Keeper to serve a term of one (1) year to run concurrently with the

appointment of the Dog Officer. (G.L. Chapter 49, Section 22, Section 4-3(c) of the Town Charter).

- (b) Powers and Duties. The Pound Keeper shall be responsible for the care of such animals delivered to him. (G.L. Chapter 49, Section 24-25). The Pound Keeper shall also be appointed Animal Officer and Dog Officer.

7.15 Dog Officer

- (a) Term of Office. The Dog Officer shall be appointed annually in May by the Director. of Licenses, Permits and Inspections pursuant to Section 4-3(c) of the Town Charter. The Select Board shall notify the County Commissioners of the name and address of the Officer. (G.L. Chapter 140, Section 151).
- (b) Powers and Duties. The Dog Officer shall enforce his duties and responsibilities pursuant to Chapter 140, Sections 136A to 174B, G.L. The Dog Officer shall also be the Animal Inspector and the Pound Keeper.

7.16 Board of Health Agent

- (a) Term of Office. There shall be a Board of Health Agent appointed by the Board of Health for a one (1) year term starting the first day of January pursuant to Statute, Charter and By-Law. The Board of Health may appoint agents, deputy agents, inspectors and others as they may be required and provided for by Town Meeting appropriation.
- (b) Powers and Duties. The Agents shall be responsible for the enforcement of duties and regulations identified by the Board of Health, by Statute, Charter, By-Law and vote of the Town Meeting. The Department of Licenses, Permits and Inspection shall coordinate with the Board of Health and the Agents to enable the effective and efficient delivery of these services.

7.17 Fort Meadow Commission

- (a) Term of Office. There shall be a Fort Meadow Commission to which Select Board shall appoint one (1) member to serve a term of three (3) years. (Special Acts 1953, Chapter 487, Section 1).
- (b) Powers and Duties. The Commission may after notice and public hearing establish reasonable rules and regulations and undertake such other activities as are permitted pursuant to Chapter 487, of the Acts of 1953.

7.18 Lake Boone Commission

- (a) Term of Office. There shall be a Lake Boone Commission to which the Select Board shall appoint one (1) member to serve a term of three (3) years. (Special Acts 1941, Chapter 712, Section 1).

- (b) Powers and Duties. The Commissioners may after notice and public hearing establish reasonable rules and regulations and undertake such activities as are permitted pursuant to Chapter 712 of the Acts of 1941.

7.19 Parking Lot Commission

- (a) Term of Office. The Select Board shall be the Parking Lot Commission.
- (b) Powers and Duties. The Commission may, after notice of public hearing, establish reasonable rules and regulations and undertake such public parking lot activities as are permitted by the General Laws.

Section 8.0 The Public Works Service Group

The Public Works Service Group shall include the administrative maintenance, development and/or other services provided by at least the following groups: The Department of Public Works, The Town Engineer, The Tree Warden, The Cemetery Commission, The Park Commission and as many AdHoc Building and Facilities Committees as may be appointed.

8.1 Department of Public Works - Utilities and Maintenance

The principal functions of the Department of Public Works shall include:

- [a] Maintenance of Roads and Highways,
 - [b] Maintenance of Water Systems and Utilities,
 - [c] Maintenance of Sewer Systems and Facilities,
 - [d] Maintenance of Public Parks and Playgrounds,
 - [e] Supervision of Sanitary Landfill Operations,
 - [f] Engineering Services,
 - [g] Maintenance of Municipal Buildings and Grounds,
 - [h] Town Forestry Services,
 - [i] Maintenance and Operation of Cemetery Facilities,
 - [j] All other groups and positions whose purpose and functions relate to the Department of Public Works.
- (a) Term of Office - Director of Public Works. There shall be a Director of Public Works appointed by the Executive Assistant, pursuant to Section 4-3(c) of the Town Charter, subject to confirmation by the Select Board. Reappointments to this position shall be subject to the same process noted above.
 - (b) Powers and Duties. The Department shall work in close coordination with the necessary Boards and Departments to enable the effective and efficient delivery of the principle functions noted above. The Department of Public Works shall conduct its duties pursuant to Statute, Charter, By-Law and Vote of the Town Meeting.
 - (c) Organization. The department shall be structured internally to deliver the principle functions listed above in the most effective and efficient manner. The Operating divisions of the Department of Public Works shall be:
 - [I] Administrative and Engineering,
 - [II] Water and Sewer Division,

- [III] Street Maintenance,
- [IV] Vehicle Maintenance,
- [V] Building and Grounds Maintenance,
- [VI] Town Properties Maintenance and General Services.

8.2 Town Engineer

- (a) Term of Office. There may be a Town Engineer appointed by the Director of Public Works, pursuant to Section 4-3(c) of the Town Charter. He shall serve for a term of three (3) years.
- (b) Powers and Duties. The Town Engineer shall at the request of the Director of Public Works, pursue the duties required by statute, charter, by-law and vote of the meeting.

8.3 Tree Warden

- (a) Term of Office. There shall be a Tree Warden appointed by the Director of Public Works pursuant to Section 4-3(c) of the Town Charter. He shall serve for a term of one (1) year.
- (b) Powers and Duties. The Tree Warden shall pursue the duties required by statute, charter, by-law and vote of the Town Meeting.

8.4 Cemetery Commission

- (a) Term of Office. There shall be a Cemetery Commission composed of three (3) members pursuant to Section 3.1 of the Town Charter, elected by the Town Meeting, each serving a term of three (3) years so that the term of office of at least one member expires each year.
- (b) Powers and Duties. The Cemetery Commissioners shall serve as the department head of the Cemetery Commission. The duties and responsibilities of the Commission fall into two general categories: its staff and advisory responsibilities to the Executive Assistant and the Select Board; and its line or supervisory responsibilities for the day to day efficient operation of the department.
- (c) They shall see that these By-Laws and rules and regulations which are or may be established are observed and kept.
- (d) They shall annually, on or before the thirtieth day of the calendar year, render a report in writing to the Select Board of their commission's activities with any recommendations. This report shall be published in the annual Town Report.
- (e) Such portions of the grounds of the public cemeteries as shall be deemed advisable by the Commissioners shall from time to time be divided into grave lots, or tomb lots, with suitable avenues and paths with names, and all such lots shall be numbered in their order.
- (f) The Cemetery Commission shall sell to every inhabitant of the town, making requests therefore, one lot, if any are available for sale.
- (g) No person shall walk upon any of the lots and borders within the cemetery, except in conformity with rules established by the Commissioners and no person shall gather any flowers or break any shrub or plant or write upon or otherwise injure any monument, fence

or other structure in or belonging to the cemeteries, or discharge any firearms therein, except in case of military funerals.

- (h) No lot shall be sold to any person not an inhabitant of the Town and shall not be sold to such person unless the Commissioners are satisfied that he intends to permanently remain as an inhabitant, and on removal of such person a lot standing in his name shall revert to the town, unless the lot has been actually occupied by the burial of some member of his family before removal, provided that the town shall refund to him the money actually paid by him to the town for the lot.
- (i) No tree shall be planted, or fences and curbs erected on any lot, except with the consent of the Commissioners.
- (j) No burial, disinterment or removal of a body shall be made except under the supervision of the Department of Public Works.
- (k) The Commissioners, acting with the members of the Select Board, shall fix the prices of all lots hereafter sold.
- (l) The Town Treasurer is hereby authorized to receive such sums of money as may be deposited with him for the perpetual care of the lots in the public cemetery and all such sums as shall be deposited in accordance with the provisions of General Law. Such funds shall be designated as "Town of Hudson, Cemetery Trust Fund", and the Town Treasurer shall keep in his office a book which shall contain a record of all funds so deposited, the date of each deposit, the name of the depositor and the number of the lot for which the deposit is made.
- (m) Every person or representative of an estate making a deposit under the last section shall receive a certificate or receipt in the following form:

TOWN OF HUDSON

Perpetual Care Receipt Treasurer's Office

This is to certify that.....has this day deposited with me the sum of.....dollars, the interest of which is to be forever applied in accordance with the provisions of General Laws, and the By-Laws of the town, for the lot numbered.....on the plan of the public cemetery.

.....
Town Treasurer

- (n) It shall be the duty of the Treasurer to keep said fund invested in such securities as are legal in Massachusetts to gain maximum return on his investment. Said investments shall be made in the name of the Town Treasurer as trustee of the "Town of Hudson, Cemetery Trust Fund."
- (o) The Commissioners may upon sale of lots as herein provided, by deed made and executed in the form and manner it may prescribe, convey to the purchaser the sole and exclusive right of burial in any lot in said cemetery and in erecting tombs, monuments and other

structures thereon not inconsistent with these By-Laws or with any rules and regulations said commissioners may make.

- (p) The Commissioners shall have power to make from time to time such rules and regulations for the management of public cemeteries as it may deem best, but no rule or regulation shall be made which shall conflict with any by-laws.
- (q) The Town Treasurer may receive of any person any sum of money not less than \$200.00, nor more than \$500.00, the interest whereof shall be applied to the annual care of such lot in a private burial ground of the Town of Hudson as the person paying the money shall designate. Such deposit may be made perpetual, if so desired, by the depositor.

8.5 The Park Commission

- (a) Term of Office. There shall be a Park Commission composed of three (3) members pursuant to Section 3.1 of the Town Charter, elected by the Town Meeting, each serving a term of three (3) years so that the term of office of at least one (1) member expires each year.
- (b) Powers and Duties. The Park Commission shall serve as the department head of the Park Commission. The duties and responsibilities of the Commission shall fall into two general categories: its staff and advisory responsibilities to the Executive Assistant and the Select Board; and its line or supervisory responsibilities for the day to day efficient operation of the department. The Park Commission may appoint a Director of Park Services to serve a term identified at the time of appointment subject to the confirmation of the Select Board. The Park Commission shall conduct and promote recreational activities for the entire community. There shall be a division of Recreation headed by a Director of the Recreation Division to serve a term identified at the time of appointment who may also serve as Director of Park Services. They shall work in close cooperation with the Department of Public Works in recommending maintenance activities and priorities through the Executive Assistant and the Director of Public Works. They shall develop recommendations to the Capital Planning Committee and pursue other activities as are necessary to provide an efficient and effective department offering services to all realms of interest and people of the Town.

8.6 Adhoc Building and Facilities Committees

- (a) Term of Office. The Executive Assistant pursuant to Section 4.3(N) of the Town Charter shall appoint Building and/or Facilities Committees. The number of members and term shall be determined by the Executive Assistant and the Town Clerk so informed.
- (b) Powers and Duties. The Committees shall carry out their duties pursuant to Statute, Charter and By-Law. Special attention is made of Article 1, Section 3 of the By-Law, General Duties of Boards. The Board shall conform to the applicable parts of this section.

Section 9.0 Community Development Service Group

The Community Development Service Group shall include the planning and development activities to be conducted by the following:

- (1) The Planning Board,
- (2) Board of Appeals,
- (3) The Capital Planning Committee
- (4) The Industrial Commission,
- (5) The Industrial Development and Finance Authority,
- (6) The Conservation Commission,
- (7) The Historical Commission
- (8) The Tripp's Pond Committee,
- (9) The Coordinator of Municipal Planning,
- (10) The Community Development Committee and by as many
- (11) AdHoc Community Development Committees as may be appointed.

9.1 The Planning Board

- (a) Term of Office. There shall be a Planning Board composed of five (5) members elected by the Town Meeting, each serving a term of three (3) years so that the term of office of at least one member expires each year.
- (b) Powers and Duties. The Planning Board shall carry out its duties and responsibilities pursuant to statute. The Board shall have the power to assess the needs of the Town; prepare studies and plans concerning resources, possibilities and programs of the Town; the preparation and adoption of official maps. The Planning Board shall be responsible for development and renewal of the General Plan. The plan shall set forth policies to govern the future development of the town. The Plan shall cover the entire town and all its functions and services. The Select Board may request development and/or review of various elements of the General Plan. The Planning Board may undertake these reviews or may request assistance from other town boards. The Planning Board shall receive and hold available the report of other town boards that directly effect the development of the Town. The General Plan shall serve as a guide to all future action by the town and other town boards concerning land use and development, regulations and the expenditure for Capital Improvements. The Planning Board, acting jointly with the Community Development Committee, shall serve as the organizers of the short range goals identification element of the General Plan.

9.2 Board of Appeals

- (a) Term of Office. There shall be Board of Appeals composed of five (5) members and three (3) associate members appointed by the Select Board, pursuant to Section 3-7(a) of the Town Charter and pursuant to Chapter 40A of the General Laws, each for three (3) year terms so that the term of office of at least two members expires each year.
- (b) Powers and Duties. The Board of Appeals shall pursue its duties identified in statute, charter, by-law and the Zoning By-Law.

9.3 The Capital Planning Committee

- (a) Term of Office. There shall be a Capital Planning Committee whose composition, appointment and term of office shall be pursuant to Section 6-5(b) of the Town Charter.

- (b) Powers and Duties. The Capital Planning Committee shall execute their duties pursuant to Section 6-5(A) of the Town Charter.

9.4 Economic Development Commission

- (a) Term of Office. There shall be an Economic Development Commission composed of nine(9) members appointed by the Select Board, each for a term of five (5) years, so that the term of office of at least one (1) member expires each year.
- (b) Powers and Duties. The Commission may conduct research into industrial conditions and other related activities for the purpose of expanding and strengthening the Town economy. The Commission may seek the assistance of various town boards including the school board to bring about development fostered by municipal cooperation. The Commission shall periodically publish necessary advertising and promote educational programs which feature state enabling statutes assisting industrial development. The Commission may organize and foster developments which would utilize the Industrial Development and Finance Authority.

9.5 Industrial Development and Finance Authority

- (a) Term of Office. There shall be an Industrial Development and Finance Authority composed of five (5) members appointed by the Select Board, each for a term of Five (5) years, so that the term of at least one (1) member expires each year.
- (b) Powers and Duties. The Industrial Development and Finance Authority shall periodically assess the needs of the local economy and local resources to select and execute policy and program to control and diminish the threat of unemployment, also to foster business opportunity within the community.

9.6 Conservation Commission

- (a) Term of Office. There shall be a Conservation Commission composed of seven (7) regular members and associate advisory members not to exceed ten (10) appointed by the Select Board, each for a term of three (3) years so that the term of office of at least two (2) members expires each year.
- (b) Powers and Duties. The Conservation Commission shall exercise its powers pursuant to Chapter 40, Section 8c, G.L. The Commission shall prepare the Conservation and Out Door Recreation Plan after consultation with the Recreation Director, the Planning Board and other Boards as it may deem appropriate. The Plan shall be submitted to the Planning Board for appropriate action within the Town and by the Commonwealth. The Conservation

Commission may contract for materials and services, appoint employees and refer them to the Select Board for confirmation and receive gifts in the name of the Town.

9.7 Historical Commission

- (a) Term of Office. There shall be a Historical Commission appointed by the Select Board pursuant to Section 3-7(c) of the Town Charter consisting of seven (7) members each for three (3) year terms so that the term of at least two (2) members expire each year.
- (b) Powers and Duties. The Commission is responsible for the identification of the historical or archeological assets of the town, maintaining accurate records of documents and meeting minutes. The Commission shall make recommendations to the Select Board or other Town Boards whenever it is found activities are being proposed or planned in that area which will effect the historic or archeological site. The Commission has the power to accept gifts in the name of the town. Other actions of the Historical Commission may be necessary to carry out the purposes of Chapter 40, Section 8D, G.L.

9.8 Tripp's Pond Commission

- (a) Term of Office. There shall be a Tripp's Pond Commission composed of three (3) members appointed by the Select Board, each for a term of three (3) years so that the term of at least one (1) member expires each year.
- (b) Powers and Duties. The Tripp's Pond Commission shall function as an advisory board to the Select Board. The Commission shall consult with the Recreation Department, Department of Public Works, Park Commission and Board of Health in preparing its recommendations. The Commission shall closely assess the needs of the neighborhoods surrounding the Tripp's Pond Site and the community in general. The Commission shall develop a use plan for the site and identify methods of furthering its utilization by the public. The Commission after review and approval of the plan by the Capital Improvement Committee, the Finance Committee, the Select Board and the Executive Assistant may seek funds on behalf of the Town as the plans are determined to be consistent with the Town's General Plan and other goals and policies. Any improvements shall be supervised by the D.P.W. and any programs undertaken administered by the Recreation Department.

9.9 Co-ordinator of Municipal Planning and Development

- (a) Term of Office. There shall be a Co-ordinator of Municipal Planning and Development, appointed by the Select Board who shall serve for one (1) year.
- (b) Powers and Duties. The Co-ordinator shall be a standing member of the Community Development committee. He shall assist the Boards of the Community Development Division in furthering their common goals. He shall communicate necessary information to the Administration and the Select Board and others as the Select Board may direct. He shall act to co-ordinate the several boards of this division assisting them in developing a community wide five (5) year goal plan which shall be updated annually. The goals program shall be undertaken to implement the Town General Plan, a duty of the Planning Board.

9.10 Community Development Committee

- (a) Term of Office. There shall be a Community Development Committee composed of seven (7) members appointed by the Select Board, each for a term of three (3) years. The Committee may have up to ten (10) associate members appointed by the Select Board from the membership of the Boards and Departments of the Community Development Service Group. Each associate member shall be appointed for a term of three (3) years. However, an associate member shall cease to be an associate member upon his termination of membership on the committee he represents.
- (b) Powers and Duties. The Community Development Committee shall assist the Planning Board with the preparation and implementations of the General Plan through the development of a community wide short term goals program and other appropriate actions. The goals program may involve fiscal recommendations to the Capital Planning Committee and the Executive Assistant. The goals program may include issue areas addressed by Zoning, Subdivision, By-Law, Town By-Law, as well as activities of Human Services Programs, Administration, Public Works and Public Safety. The Committee shall assist in the coordination of Municipal Planning Development activities, identification of methods of achieving goals and objectives identified by the General Plan, the Goals Program, Town Meeting, Select Board, Planning Board and others. The Committee may determine available and appropriate grants and other forms of funding to meet the needs of the Town. The Committee shall perform any other duties required by the By-Laws, votes of the Town Meeting or votes of the Select Board.

9.11 ADHOC Community Development and Planning Committees

- (a) Term of Office. The Town Meeting or Select Board may from time to time appoint ADHOC Community Development Committees to serve a special function. The membership and term of office shall be defined by the appointing authority or by By-Law.
- (b) Powers and Duties. The Committee shall be responsible for the execution of the general duties identified in Section 3 of Article I of this By-Law. The Committee's special duties shall be set forth by the appointing authority.

9.12 Hudson Cultural Council

- (a) Term of Office. There shall be a Hudson Cultural Council composed of not fewer than five and not greater than twenty-two members appointed by the Select Board, each for a term of three (3) years; said term to be renewable once for an additional period of three years.
- (b) Powers and Duties. The cultural council shall carry out the duties and responsibilities pursuant to the General Laws, Chapter 10, section 58.

9.13 The Community Preservation Committee

9.13.1 Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

- One member of the Conservation Commission as designated by the Commission for a term of three years.
- One member of the Historical Commission as designated by the Commission for a term of three years.
- One member of the Planning Board as designated by the Board for a term of three years.
- One member of the Park commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.
- One member of the Housing Authority as designated by the Council for an initial term of two years and thereafter for a term of three years.
- Four members to be appointed by the Select Board, one member to be appointed for a term of one year and thereafter for a term of three years, two members to be appointed for a term of two years and thereafter for a term of three years, and one member to be appointed for a period of three years.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Section be no longer in existence for whatever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Select Board.

9.13.2 Duties

(A). The community preservation committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the park commission and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

(B). The community preservation committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to 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 for 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.

9.13.3 Requirement for a quorum and cost estimates

The community preservation committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

9.13.4 Amendments

This Section may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with MGL, Section 44B.

9.13.5 Severability

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

9.13.6 Effective Date

Following Town Meeting approval, this Section shall take effect upon approval by the Attorney General of the Commonwealth, after publication and notice pursuant to Massachusetts General Laws Chapter 40 Section 32, and upon acceptance by a majority vote of Massachusetts General Laws Chapter 44B Sections 3 through 7 at the next election. Each appointing authority shall have 60 days after approval by the Attorney General to make its initial appointments. Should any appointing authority fail to make its appointment(s) within that allotted time, the Town Moderator shall make the appointment.

Section 10.0 Human Services Group

The Human Services Service Group shall include the Boards responsible for providing services in matters generally relating to the needs of the individual citizen such as health services, library services, public recreation, counseling services for elders and youth. The Human Services Boards and Departments shall consist of the following: Board of Health, Board of Library Trustees with the Library Department, The Council on Aging, The Council on Youth Affairs, The Recreation Department, The Veteran's Services Office and the Veteran's Graves Office.

10.1 Board of Health

- (a) Term of Office. There shall be a Board of Health composed of three (3) members elected by the Town Meeting each serving a term of Three (3) years so that the term of office of at least one member expires each year. The Board of Health may appoint agents, inspectors and others as may be required.
- (b) Power and Duties. The Board of Health shall have the power to make reasonable health regulations as it judges necessary for the public health and safety including sources of filth, nuisances and causes of sickness within the Town. (G.L. Chapter 111). The Board shall pursue the duties and responsibilities identified in Statute, Charter, By-Law and vote of the Town Meeting.

10.2 Board of Library Trustees

- (a) Term of Office. There shall be a Board of Library Trustees composed of three (3) members elected by the Town Meeting each serving a term of three (3) years so that the term of office of at least one member expires each year.
- (b) Powers and Duties. The Board of Library Trustees shall serve as the Department Head of the Library Department. The Board will organize annually at its first meeting after the Annual Town Election, at which time it will elect a chairman, a vice-chairman and a secretary. The duties and responsibilities of this Board fall into two general categories: its staff and advisory responsibilities to the Executive Assistant and the Select Board, and its line or supervisory responsibilities in the day to day efficient operation of the department. To further the efficiency of this department, certain day to day responsibilities may be assigned the Library Director with the written approval of the Executive Assistant.

10.3 Cable Television Committee

- (a) Term of Office. There shall be a Cable Television Committee composed of five (5) members appointed by the Select Board each for a term of three years, so that the term of office of at least one (1) member expires each year.
- (b) Powers and Duties. The Cable Television Committee shall have and exercise all powers and perform all duties allocated to it under the Final CATV License for the Town of Hudson, dated December 30, 1981, as that License may from time to time be amended. Additionally, the Cable Television Committee shall have and exercise all powers and perform all duties which may be allocated to it by the Select Board, through subsequent license or otherwise.

10.4 Council on Aging

- (a) Term of Office. There shall be a council on Aging, composed of nine (9) members appointed by the Select Board, each for a term of three (3), so that the term of office of at least three (3) members expires each year.
- (b) Powers and Duties. The Council on Aging shall serve as the department head of the department. The duties and responsibilities of the Council fall into two general categories: its staff and advisory responsibilities to the Executive Assistant and Select Board; and its line or supervisory responsibilities for the day to day efficient operation of the department.

The Council may assign certain responsibilities to the program director. (G.L. Chapter 40, Section 8 (B)).

10.5 Reserved.

10.6 Council on Youth Affairs

- (a) Term of Office. There shall be a council on Youth Affairs composed of nine (9) members appointed by the Select Board, each for a term of three (3) years, so that the term of office of at least three (3) members expire each year.
- (b) Powers and Duties. The Council on Youth Affairs shall serve as the department head of the department. The duties and responsibilities of the Council fall into two general categories: its staff and advisory responsibilities to the Executive Assistant and Select Board; and its line or supervisory responsibilities for the day to day efficient operation of the department.

10.7 Reserved.

10.8 Reserved

10.9 Veteran's Services Department

- (a) Term of Office. There shall be a Veteran's Services Department headed by a Director of Veteran's Services. He shall be appointed by the Executive Assistant to serve up to a one (1) year term, subject to confirmation by the Select Board. He shall be a Veteran. Reappointments to this position shall be subject to the same process as noted above (G.L. Chapter 115, Section 10).
- (b) Powers and Duties. The Department must acquire and have on hand copies of current booklets and other printed matter pertaining to the statutory rights of veterans provided under state and federal laws; work in close coordination with the Veteran's Grave Officer and the Department of Public Works to further the effective maintenance of veterans graves; work in close coordination with the local veteran groups to promote effective memorial activities supported by the Town. And pursue such other activities as are necessary to provide an efficient and effective department offering services to veterans, their families and other citizens of the Town.

10.10 Veterans Graves Registration Officer

- (a) Term of Office. There shall be a Veterans Graves Registration Officer appointed by the Select Board who should preferably be a veteran and serve a one (1) year term. Reappointments to this position shall be subject to the same process as noted above. (G.L. Chapter 115, Section 9).

- (b) Powers and Duties. The Veterans Graves Registration Officer shall carry out his duties pursuant to Statute, Charter, By-Law, vote of Town Meeting and direction of the Select Board. He shall prepare and submit records noting the locations of Veteran's graves, marked and unmarked, to the Director of Veteran's Services and the Town Clerk. These shall be revised from time to time, as required. He shall work in close coordination with the Director of Veteran's Services and the Director of Public Works in noting the condition and repair of memorials set for veterans.

10.11 ADHOC Committees for Human Services

- (a) Term of Office. The Town Meeting or Select Board may from time to time appoint AdHoc Human Services Committees to serve a special function. The membership and term of office shall be defined by the appointing authority or by by-law.
- (b) Powers and Duties. The Committee shall be responsible for the execution of the general duties identified in Section 3 of Article I of this By-Law. The Committee's special duties shall be set forth by the appointing authority.

10.12 Disability Commission

- (a) Term of Office. Pursuant to M.G.L. c.40, Section 8(J), there shall be a Disability Commission composed of five (5) members appointed by the Select Board. A majority of the members of which shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member shall be either an elected or appointed member of the Town as determined by the Select Board as appointing authority. The terms of the first members of said commission shall be for one, two or three years, and so arranged that the term of one-third of the members expires each year, and their successor shall be appointed for terms of three years each.
- (b) Any member of said Commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. The chairperson and other officers shall be chosen by a majority vote of said commission members.
- (c) Powers and Duties. The Disability Commission shall research local problems of people with disabilities. The Commission shall also advise and assist municipal officials and employees in ensuring compliance with state and federal compliance laws and regulations that affect people with disabilities and coordinate or carry out programs designated to meet the problems of people with disabilities in coordination with programs of the Massachusetts office of Disability; review and make recommendation about policies, procedures, services, activities and facilities of departments, boards and agencies of the Town as they affect people with disabilities; provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disabilities and coordinate activities with other groups as may be organized for similar purposes.

The Commission shall keep records of its meeting actions and affairs and shall file an annual report to be printed into the Town's Annual Report. The Commission shall conduct at least ten (10) meetings annually

ARTICLE II TOWN MEETING AND THE PROCEDURE THEREAT

Section 1. {Annual Town Meeting Date}

The town meeting shall meet two times each calendar year on a regular schedule. The annual town meeting for the transaction of business shall be held on the first Monday of May at 7:30 PM and the annual meeting for the election of officers shall commence on the following Monday at 7:00 AM and close at 8:00 PM. A second regularly scheduled town meeting for the transaction of business shall be held on the evening of the third Monday in November at 7:30 PM.

Section 2. {Town Meeting Notice, Posting & Publication}

A town meeting shall, unless a different time or method is prescribed for by law, be called by posting an attested copy of the warrant calling the same, at the Town Hall, at the Town Clerk's office, at the Post Office, and at six other public places in the Town at the discretion of the officer serving the warrant, seven days, at least, before the day appointed for the annual town meeting, and fourteen days at least, before the day appointed for a special town meeting, and, in addition thereto, by either of the following:

- (1) By publication in a newspaper, if any be published in the Town, or
- (2) By mailing a copy of the warrant, postage prepaid to each residence of one or more registered voters as listed on the most recent list of voters prepared by the Registrars of Voters.

Section 3. {Vote to Reconsider}

No vote shall be reconsidered except upon notice for that purpose by one who voted with the majority thereon, given within one hour after such vote was taken, at the same, or succeeding session; but if the voter who gives such notice shall not immediately afterward make such motion, a motion to reconsider may be made by an other voter who voted with the majority.

Section 4. {Reconsideration 2/3 Vote Required}

No article in the warrant shall be again taken into consideration after having been disposed of, unless ordered by a vote of two-thirds of the voters present and voting.

Section 5. {Speaker Limitation}

No voter shall speak more than twice upon any question without first obtaining leave of the meeting, except to correct an error or make an explanation, nor until all others who have not spoken upon the question, and desire to do so, shall have been given an opportunity therefor.

Section 6. {Motions to be in Writing}

All motions shall be reduced to writing before being submitted to the meeting, if required by the Moderator.

Section 7. {Closing a Ballot}

No vote fixing the time of closing a ballot shall be reconsidered after such ballot shall have commenced; but the time for closing such ballot may be extended without reconsideration.

Section 8. {Order of Motion}

When a question is before the meeting the following motions, to wit:

Privileged Motions:

- To adjourn,
- To fix the time of adjournment,

Subsidiary Motions:

- To lay on the table
- For the previous question,
- To postpone to a time certain,
- To commit,
- To amend,
- To postpone indefinitely,

shall be received and shall have precedence in the foregoing order and the first under privileged motion, and the first and second under subsidiary motion shall be decided without debate. All motions may be withdrawn by the mover if no objection is made.

Section 9. {Report of Committee}

A motion to receive the report of a committee shall place the report before the meeting, but shall not discharge the committee. A vote to accept or to adopt a report of a committee with or without amendment shall discharge the committee.

Section 10. {Quorum}

The presence of one hundred fifty voters at a town meeting for the transaction of business shall be required to constitute a quorum except for a motion to adjourn, for which no quorum shall be required.

Section 11. {Order of Warrant Article}

Articles in the warrant shall be acted upon in the order in which they stand, except that the moderator may, upon request and for reasons stated, entertain the motion to take up an article out of its regular order.

Section 12. {Duties of Moderator}

The Moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes, and may administer in open meeting the oath of office to any town officer chosen thereat. If a vote so declared is immediately questioned by seven or more voters, he shall verify it by polling the voters or by dividing the meeting. If a two-thirds vote of a town meeting is required by statute, the count shall be taken, and the vote shall be recorded in the records by the clerk; but if the vote is declared to be unanimous, a count need

not be taken, and the clerk shall record the vote as unanimous unless immediately questioned by seven or more voters.

Section 13. {Appointment of Deputy Moderator}

Within thirty days of his election, the Moderator shall indicate in writing to the Select Board, the Finance Committee and the Town Clerk his appointee as Deputy Moderator, subject to the ratification of each town meeting. In the event of the absence or disability of the Moderator, the Town Clerk shall preside for the purpose of conducting a vote to determine whether the town meeting ratifies the appointee of the Moderator.

ARTICLE III APPROPRIATIONS

Section 1. Duties of Officers, Boards , Committees & Departments

All town officers, boards, commissions, committees, and departments shall be required to submit the following:

A. Time of Information Submission

At least 180 days prior to the start of each fiscal year they shall submit to the Capital Planning Committee organized under the provisions of Section 6-5(b) of the Home Rule Charter the information relative to their departments which may be required by the Capital Planning Committee to prepare its program under the provisions of Section 6-5(a) of the Home Rule Charter.

B. Capital Planning Committee Responsibilities

The Capital Planning Committee organized under the provisions of Section 6-5(b) of the Home Rule Charter shall submit the material required by Section 6-5(a) of the Charter to the Executive Assistant in sufficient time to enable him to submit a capital improvement program to the Select Board and the Finance Committee under the provisions of Section 6-5(a).

C. Submission of Estimates

In such form and with such detail as the Executive Assistant may deem necessary, all town officers, boards, committees and departments charged with the expenditure of the town's money shall prepare detailed estimates of the amounts necessary to carry on the town's business entrusted to them for the following fiscal year, with explanatory statements as to any changes from the amount appropriated for the same purpose in the immediately preceding fiscal year. The Treasurer shall include in his estimates the amount required for the payment of interest on the town debt, and for the payment of such portions of the town debt as may become due during the following fiscal year. The estimates and explanations required under this section shall be filed with the Executive Assistant in sufficient time to enable him to prepare and submit his proposed budget and budget message in accordance with the provisions of Section 6-3 of the Home Rule Charter and shall in any event be submitted to him at least 150 days prior to the start of the budgetary session of the annual town meeting. In preparing his proposed budget the Executive Assistant shall include the amounts which shall be appropriated for the salaries of all officers elected directly by the town and all other items for which an expenditure is usually made and which is not otherwise covered by the requirements of this section.

D. Executive Assistant Budget

The Executive Assistant shall prepare his budget and budget message in accordance with the provisions of Sections 6-2, 6-3 and 6-4 of the Home Rule Charter and submit the same to the Select Board and file a copy thereof with the Finance Committee at least 120 days prior to the start of the budgetary session of the annual town meeting.

E. Town Accountant List of Appropriations

As soon as the information becomes available, the Town Accountant shall furnish to the Finance Committee a list, in whatever form it may require, of the amounts appropriated by the town for the operation of the town's business of the preceding fiscal year, along with the amounts actually expended for that purpose in that year.

F. Filing & Posting of Appropriation Requests

Any board, standing committee, or officer of the town, or any person or persons intending to ask an appropriation at any meeting of the town, other than the regular annual appropriations, shall file a written notice in the office of the Select Board of such intention, stating the object and the sum of the appropriation intended to be asked. The members of the Select Board shall thereupon record such notice and inform the secretary of the Finance Committee thereof. It shall thereupon be the duty of the Finance Committee to examine into the subject, and be prepared to inform the town thereon, and a statement of the proposition shall be printed in the warrant for the meeting, provided, however, that an appropriation may be asked, without such notice, at any meeting of the town, but, in the absence of such previous notice, the subject shall not be acted upon except at an adjournment of said meeting, or at another meeting, not less than one week later in either case; and during said interim the Finance Committee shall cause a printed notice of the sum and object of said proposed appropriation, with its recommendation in relation thereto, to be posted in seven public places at least three days before such adjourned or other meeting.

G. Warrant Articles, Public Hearings, Recommendations

It shall be the duty of the Finance Committee to consider all matters of business included within the articles of any warrant for a town meeting, or the disposition of any property of the town, and it shall be the duty of the members of the Select Board after drawing a town warrant to transmit immediately a copy of the same to the chairman and the secretary of the Finance Committee and to the Executive Assistant, and the Finance Committee shall, after holding public hearings and the due consideration of the subject matter in said articles, report thereon, in print, or otherwise, such information and recommendations as the committee may decide. The report of the committee shall be without recommendation when more than two votes are in disagreement with a majority vote. The Finance Committee shall have authority at any time to investigate the books, accounts and management of any department of the town, and to employ such expert and other assistance as it may deem advisable for that purpose, and the books and accounts of all departments and officers of the town shall be open to the inspection of the committee and of

any person employed by it. It may appoint subcommittees, and delegate them such of its powers as it deem expedient.

In the case of hearings on the proposed budget to be acted upon at an annual town meeting the Finance Committee shall hold one or more public hearings on the proposed budget not less than twenty-one days prior to the town meeting at which the budget is to be submitted for adoption.

The Finance Committee shall provide copies of the articles for the use of those who may be in attendance at all its public hearings.

In the case of items contained in the budget, the report of the Finance Committee shall be reported in at least four columns, column one and two shall contain the amounts actually expended therefore in each of the preceding two years, a third to contain the sum requested for that purpose in the present warrant and a fourth column to contain the amount which is recommended by the Finance Committee.

The Finance Committee shall add to its recommendations such explanations and suggestions in relation to the proposed appropriations as it shall deem expedient.

The report and recommendations of the Finance Committee on articles to be acted upon in the warrant shall be delivered to the Select Board in time to enable them to have it printed in the warrant for the meeting, which they are hereby directed to do.

Section 2. Departmental Revolving Funds

1. Purpose.

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

2. Expenditure Limitations.

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law/ordinance without appropriation subject to the following limitations:

A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund, except for those employed as school bus drivers.

B. No liability shall be incurred in excess of the available balance of the fund.

C. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the select board and finance committee.

3. Interest.

Revolving Fund	Department, Board Committee, Agency or Officer Authorized to Spend from Fund	Fees, Charges or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements /Reports	Fiscal Years
Hazardous Materials Revolving Fund	Fire Chief	Fees received for services provided at hazardous material release incidents, contingency planning activities, site assessments, and public training	Replacement of equipment, materials, and the costs of labor involved with personnel performing program related activities			Fiscal Year 2019 and subsequent years
Fire Alarm Revolving Fund	Fire Chief	Fees received from users of the services provided by the Fire Department's Fire Alarm Division	For extension of the Fire Alarm System			Fiscal Year 2019 and subsequent years
Infiltration and Inflow Revolving Fund	DPW Director	Fees received for Sewer Extension Permits to the reduction of Infiltration and Inflow into the Wastewater Collection System	For technical assistance and/or direct mitigation of existing sources of Infiltration and Inflow			Fiscal Year 2019 and subsequent years
Inspections Fees Revolving Fund	Building Commissioner	Plumbing, Electrical, and Building Inspection Fees	For providing part-time qualified inspectors for plumbing, electrical, and building inspections			Fiscal Year 2019 and subsequent years
School Department Professional Development Revolving Fund	Superintendent of Schools	School Professional Development Program Fees	Hire program instructors, purchase instructional materials, reimburse travel and lodging costs, and other expenses as incurred in the development and operation of these programs			Fiscal Year 2019 and subsequent years
Senior Citizens Program Revolving Fund	Council on Aging	Program and Participation Fees for Senior Citizen Programs and Activities	Hire instructors, purchase materials, and pay for other expenses as incurred in the development and operation of these programs and activities			Fiscal Year 2019 and subsequent years
Public Health Revolving Fund	Board of Health	Inspection Fees of Nail Salons, Rental Dwellings, Solid Waste Haulers and providers of dumpsters, and septic systems	Providing qualified inspectors for inspection and regulation of nail salons, rental dwellings, solid waste haulers and septic systems.			Fiscal Year 2019 and subsequent years

Tobacco Control Revolving Fund	Board of Health	Fees provided from licensed sellers of tobacco products	For education, inspections, enforcement, & administration of tobacco control programs			Fiscal Year 2019 and subsequent years
Affordable Housing Revolving Fund	Community Development Director	Fees and reimbursements received from neighboring towns participating in the Regional housing Consultant Services project	To hire consultants, purchase services and materials and other related expenses			Fiscal Year 2019 and subsequent years
Farmers Market Revolving Fund	Board of Health and Conservation Agent	Fees Received from vendors for and from sale of promotional products	Expenses related to the operation of the Hudson Farmers Market			Fiscal Year 2019 and subsequent years
Curbside Pick-Up and Recycling	Department of Public Works	Fees Received from users fees for curbside pick-up and recycling	Expenses related to the administration and operation of Curbside Pick-Up and Recycling program including toter purchase and/or lease payments, debt payments, billing-related expenses, hauling fees and staffing.			Fiscal Year 2023 and subsequent years
Shared Public Health Services	Board of Health	Payments Received from participating municipalities in the shared service group	To be utilized for employment of personnel, supplies, training, and other authorized Expenses			Fiscal Year 2024 and subsequent years
Vaccination Program	Board of Health	Commonwealth of Massachusetts Department of Public Health & residents & Health Insurance	Expenses related to the administration and operation of Vaccine Clinics to residents and Town of Hudson Employees			Fiscal Year 2024 and subsequent years

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

4. Procedures and Reports.

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

5. Authorized Revolving Funds.

The Table establishes:

- A. Each revolving fund authorized for use by a town department, board, committee, agency or officer,
- B. The department or agency head, board, committee or officer authorized to spend from each fund,
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant,
- D. The expenses of the program or activity for which each fund may be used,
- E. Any restrictions or conditions on expenditures from each fund;
- F. Any reporting or other requirements that apply to each fund, and
- G. The fiscal years each fund shall operate under this by-law/ordinance.

ARTICLE IV PERSONNEL BY-LAW

Section 1. Purpose

The purpose of this bylaw is to establish a system of personnel administration consistent with the following merit principles:

- A. Recruitment from all segments of society, and selection and advancement on the basis of ability, knowledge and skill under fair and open competition.
- B. Compensation shall be established on an equitable basis.
- C. Training and development opportunities shall be provided as needed to assure high-quality performance by all employees.
- D. Retention of employees shall be on the basis of their performance. A reasonable effort shall be made to assist employees with inadequate performance; and if, following such effort, inadequate performance cannot be corrected, separation shall occur.
- E. Fair treatment of all applicants and employees shall occur in all aspects of personnel administration without regard to race, color, religion, sex, national origin, political affiliation, age, handicap, or other non-merit factors and with proper regard for privacy and constitutional rights.

Nothing in this bylaw or the administrative regulations promulgated hereunder shall limit the collective bargaining or civil service rights of employees.

Section 2. Application

All town departments and all positions in the classified service of the town shall be subject to the provision of this bylaw with the following exceptions:

- A. The school committee and all of its employees.
- B. All members of the Select Board.
- C. Members of boards, committees and commissions who are not employees of the town.
- D. The executive assistant.
- E. All those under jurisdiction of the Light and Power Department.

This bylaw and the administrative regulations promulgated hereunder shall apply to all permanent, temporary, emergency, provisional, seasonal, full-time and part-time classified employees of the Town of Hudson, as defined in the regulations adopted pursuant to Section 10 of this bylaw. In the event of conflict between a particular personnel rule and a collective bargaining agreement provision or an approved uniformed department regulation, the collective bargaining provision or uniformed department regulation shall prevail.

Section 3. Definitions

“Allocation” - The assignment of an individual position to an appropriate class on the basis of kind of work, duties and responsibilities.

“Appointment” - The placement of a person in a position in the service of the town.

“Class” - A group of positions sufficiently similar with respect to general nature of duties, authority and responsibility.

“Civil Service” - Classified civil service provided for by Chapter 31 of the General Laws and the rules made thereunder.

“Classified Service” - Positions in one service of the town which are subject to the provisions of the bylaw and regulations adopted pursuant to the bylaw.

“Position” - An office or post of employment in the town service with assigned duties and responsibilities calling for full-time or part-time employment of one person in the performance thereof.

Section 4. Administration

A. Assignment of Responsibilities

The Executive Assistant shall be responsible for administration of this bylaw and regulations promulgated pursuant to Section 10. The executive assistant may delegate responsibilities to such staff assistant or staff assistants as deemed necessary.

B. Duties of the Executive Assistant

The executive assistant shall:

1. Provide advice and assistance to the Select Board, department heads, supervisory personnel and employees in all aspects of personnel management.
2. Recommend to the Select Board changes in the bylaw and administrative regulations adopted pursuant to Section 10 as deemed necessary.
3. Supervise and maintain a centralized personnel record system.
4. Manage in conjunction with department heads the collective bargaining process with employee groups and represent the Select Board.
5. Administer employment training and employee development programs.
6. Oversee the implementation of the town's affirmative action plan for employment.
7. Evaluate the effectiveness of the town's personnel system and recommend changes.

C. Centralized Record Keeping

The executive assistant shall develop and maintain a centralized personnel record keeping system. The form and content of records and the responsibilities of department heads and supervisory personnel with respect to such records shall be determined by the executive assistant.

Section 5. Classification Plan

A. Establishment of the Plan

The Select Board shall adopt a classification plan. The executive assistant subject to the review of the personnel board and approval of Select Board, shall be responsible for the preparation, maintenance and revision of a position classification plan for all positions under the bylaw, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same class. No employee may be appointed to a position not included in the classification plan approved by the Select Board.

B. Contents of the Plan

The position classification plan shall consist of position descriptions and an allocation of each position to the appropriate class.

1. Description - The description shall include:
 - the official position title;
 - a statement of duties, authorities and responsibilities included in the position; and
 - qualifications that are necessary or desirable for satisfactory performance of the duties of the position.
2. Allocation of Positions
Each position shall be allocated to the appropriate class on the basis of relative duties, authorities and responsibilities.

C. Administration of the Plan

Revisions and amendments to the approved plan shall be made in the following manner:

1. New Positions - The executive assistant or his/her designee shall study the duties and responsibilities of each new position and recommend, subject to review and comment by the personnel board and approval by the Select Board, the allocation of the position to the appropriate class.
2. Reporting changes - Department heads shall report any changes in the assignment of duties and responsibilities to a particular employee which may result in changes in the classification plan.
3. Reclassification - Positions, the duties of which have changed materially so as to require reclassification, shall be reallocated by the executive assistant, subject to review and comment by the personnel board and approval by the Select Board.

D. Abolition of a Position

A position may be abolished or the number of personnel reduced for reasons of economy or for reasons of reorganization.

Section 6. Compensation Plan

A. Establishment of the Plan

The Select Board shall adopt an official compensation plan. The official compensation plan of the town shall consist of a schedule of pay grades, including minimum, maximum and intermediate step rates for each grade. Each class of positions shall be assigned to a specific pay grade by the executive assistant, subject to review and comment by the personnel board and approval by the Select Board, and further subject to any collective bargaining agreement. Amendments to the official compensation plan shall be approved in the same manner.

B. Increase in Pay

Unless otherwise provided in collective bargaining agreements, adjustments in the compensation plan shall be recommended by the executive assistant, subject to approval of the Select Board, and subject to appropriation.

C. New Appointment

A new employee appointed to a position shall be paid at the minimum step of pay assigned to the class to which the position is allocated. Upon recommendation of the executive assistant, the Select Board may at their discretion appoint an employee at a rate above the minimum.

D. Existing Employees – New Jobs

An employee receiving a promotion to a vacant position or to a new position shall, upon assignment resulting from such promotion, receive the rate in the compensation grade of the vacant or new position next above his or her existing rate. If the resulting adjustment does not equal \$2,000 annually or \$1.00 if paid hourly, the adjustment shall be to the second rate above the existing rate within the compensation grade of the vacant or new position.

Section 7. Employment, Promotion and Transfers

A. Select Board's Approval

All appointments, promotions or transfers shall be in compliance with the requirements of the classification plan, the compensation plan, the affirmative action plan, the provisions of the bylaw and subject to approval of the Select Board.

B. Probationary Period

An employee shall serve a probationary period of six months following appointment. Such employee may be dismissed, suspended or demoted at any time during the probationary period at the discretion of the appointing authority and shall not be eligible for an appeal of such action.

C. Recruitment and Selection

Every reasonable effort shall be made to publicize positions and examinations to attract qualified persons. Selection procedures shall be job related. Recruitment and selection procedures shall be in accordance with the town's affirmative action plan for employment.

Section 8. Performance Evaluation

A. Establishment of the Performance Evaluation System

The Select Board shall establish a performance evaluation system. Each supervisor shall make an evaluation in writing and shall discuss with each employee work performance at least once each year. The format and process of such evaluation shall be established by the executive assistant, subject to review and comment by the personnel board and approval of the Select Board.

Written evaluations shall be filed with the executive assistant.

B. Uses of Performance Evaluation

Performance evaluations shall be used to provide a continuing record of employee development, a method to identify effective performance and need for improvement, a forum for encouraging effective supervisor-employee communication, a basis for making decisions on merit raises, promotions, and the order of layoff.

Section 9. Disciplinary Action and Separation

A. Establishment of a Policy

The regulations adopted pursuant to Section 10 of this bylaw shall contain a disciplinary and separation policy.

B. Contents

Such disciplinary and separation policy shall include a just cause standard, procedures for oral/written reprimand, suspension, dismissal and demotion, layoff and resignation.

Section 10. Adoption and Amendments of Regulations

A. Promulgation of Regulations

The Select Board shall promulgate regulations defining the personnel policies and procedures of the Town of Hudson.

Upon adoption of this by-law, Article IV of the Town of Hudson By-Laws – Personnel Code, as it exists on the effective date of adoption of this new Section IV, will in its entirety become part of the rules and regulations of the Town subject to revision and amendment pursuant to this section.

B. Adoption of Regulations

The personnel regulations shall be adopted or amended as follows:

The executive assistant or his/her designee shall prepare the regulations.

These regulations shall be forwarded to the personnel board who shall hold a public hearing and comment upon the regulations within thirty days of receipt.

The Select Board shall consider the regulations and any comments received and may adopt regulations, with or without modifications.

Any person may propose a change in regulations to the Select Board.

C. Maintenance and Annual Review

The executive assistant shall annually review the personnel regulations and recommend amendments to the Select Board. The executive assistant shall compile and maintain a compilation of all regulations adopted by the Select Board.

Copies of the compiled regulations shall be provided to all department heads and made available for inspection by employees.

Section 11. Severability

The provisions of this by-law and any administrative regulations adopted pursuant to this by-law shall be severable. In the event that any portion of the by-law or administrative regulations is held to be illegal or invalid by any court or forum of competent jurisdiction, then the remaining provisions of the by-law or administrative regulation shall remain in full force and effect.

Section 12. Action Taken Under Prior By-Laws Preserved

The repeal of any by-law or portion thereof heretofore adopted shall not be construed to revoke, invalidate or otherwise alter acts done, ratified or confirmed in compliance therewith.

under authority thereof, or any rights accrued or established or any action, suit or proceeding commenced or had in any case, nor shall any such repeal affect any punishment, penalty or forfeiture incurred under any such prior by-law.

Section 13. Effective Date

This by-law shall take effect upon its adoption.

ARTICLE V PUBLIC SAFETY

Section 1. Inspection Fees

The Select Board shall have authority to establish and change fees to be charged for inspections to be made by the Inspector of Wires.

Section 2. Plumbing Inspector

The Plumbing Inspector shall also be the Gas Piping and Gas Appliance Inspector whose duties shall be the enforcement of the Rules and Regulations under Chapter 142, Sections 11 and 12 of the General Laws and the Mass. State Building Code.

Section 3. Swimming Pool Safety Devices

Every person owning land on which there is situated a swimming pool, or fish pond which constitutes an obvious hazard and contains twenty-four (24) inches or more of water in depth at any point, shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.

Section 4. Fire District Number 1

Fire District Number 1 shall comprise the area housing highly congested business, commercial, manufacturing and industrial use or in which such uses are developing. The limits of such area is described as bounded by, beginning at a point on the Northerly side of Main Street, said point being 1250 feet West of Tower Street, thence Southerly crossing Main Street to the Boston & Maine Railroad, Fitchburg Branch, thence by said railroad westerly and southerly to the westerly side of Broad Street, thence southerly by the westerly side of Broad Street to the southerly side of the Assabet River, thence westerly by the Assabet River to a point on the westerly side of the Boston & Maine Railroad. Thence southerly by the westerly side of said railroad 250 feet to a corner, thence westerly across Houghton Street to a point that is 82.5 feet westerly from the westerly side of Houghton Street. Thence northerly 82.5 feet from the westerly side of Houghton Street to a point on the northerly side of School Street; thence westerly by the northerly side of School Street to

the westerly side of Washington Street, thence by the westerly side of Washington Street to the northerly side of the Assabet River, thence northerly parallel to and one hundred (100) feet west of Washington Street to a point opposite the intersection of Lincoln Street and Central Street. Thence northeasterly to a point three hundred (300) feet east of Lincoln Street, thence easterly parallel to and three hundred (300) feet northerly of Main Street to a point on the M-3 Industrial District, thence southerly to the point of beginning at Main Street.

Section 5. Underground Fuel Storage

- (1) Any person, corporation or other entity intending to install an underground fuel storage facility exempt from state regulations including but not limited to farm or residential tanks of 1100 gallons or less used for storing motor fuel or residential tanks used for storing heating oil for consumptive use on the premises where stored, shall first apply to the Hudson Fire Department for a permit.
- (2) Upon receipt of such permit, application under Section (1) of this by-law or any other fuel storage application under the State Fire Prevention Code (527CMR), the Fire Department, Select Board or other permitting authority shall forward copies of same to the Conservation Commission, Board of Health and Water Department. Each board may make a recommendation or approval or disapproval, including suggested mitigation measures or conditions, within thirty (30) days. Failure to make a recommendation shall not affect the authority of the Fire Department, Select Board, or other appropriate permitting authority to act on an application.
- (3) All underground storage tanks, including those exempt from state regulations, are prohibited within the Watershed Protection District.
- (4) In construing this section, resort may be had to the State Fire Prevention Code (527 CMR9).

ARTICLE VI STREETS, DRAINS, WATER AND SEWER EXTENSIONS, ETC.

Section 1. Littering

No person shall place or cause to be placed in any public place, street, or private way, or in any running stream or body of water, dirt, rubbish, wood, timber or other materials tending to cause obstruction, nor deposit ashes, garbage, carrion, filth, or offal, except in such places as shall be permitted by the Director of Public Works.

Section 2. Discharge from Drains, Conduits

No person shall construct or maintain any drain or conduit from any house, shop or other building, or from any vault, cesspool, or cistern, to or upon any street or way so as to discharge water or other matter in or upon any such street or way except when permitted in writing to do so by the Director of Public Works.

Section 3. Liabilities for Above

Whoever violates the provision of the preceding section and suffers the material so placed by him in such public place, street, or private way to remain therein more than twenty-four hours, shall be liable to a like penalty for each additional day thereafter, during which he shall suffer such material to remain in such public place, or private way.

Section 4. Pasture or Tether of Animals

No person shall pasture or tether any animal in any street in the town in such a manner as to obstruct the street or sidewalk.

Section 5. Street Digging

No person shall break or dig, or aid in breaking or digging, the ground in any street or square in the town, or erect any post, fence, tree, or edgestone in any street or square in the town without a permit from the Director of Public Works.

Section 6. Nude Bathing

No person shall bathe or swim in any waters within the town in a state of nudity in places exposed to public view, or in the immediate sight of the occupant or occupants of any dwelling house, shop, or factory.

Section 7. Dog Licensing & Managment

A. Annual Fee to be charged by the Town of Hudson for issuance of licenses for dogs shall be as follows: males and females, twenty dollars (\$20.00), and neutered males and spayed females, fifteen dollars (\$15.00). The annual fee shall be waived for the license of a dog owned by a person 70 years or over in accordance with MGL Ch140 §139.

The Annual Fee to be charged by the Town of Hudson for issuance of licenses for kennels shall be as follows: more than four but not more than ten dogs, one hundred dollars (\$100.00), and more than ten dogs, one hundred fifty dollars (\$150.00).

All money received from the sale of dog licenses by the Town of Hudson, or recovered as fines or penalties under the provisions of Massachusetts General Laws Chapter 140 relating to dogs shall be paid to the Town treasury of the Town.

The registration, number listing, description and licensing of dogs, if kept in said town, shall be conducted by the Town Clerk.

B. All owners or keepers of dogs kept in the Town of Hudson during the preceding six (6) months and who, on the first day of June of each year, have not licensed said dog or dogs, as prescribed by Section 173, Chapter 140 of the Massachusetts General Laws, shall be required to pay a late fee of twenty-five dollars (\$25.00) for each unlicensed dog.

All owners or keepers of dogs kept in the Town of Hudson during the preceding six (6) months and who, on the first day of July of each year, have still not licensed said dog or dogs, as prescribed by Section 173, Chapter 140 of the Massachusetts General Laws, shall be required to pay an additional late fee of twenty-five dollars (\$25.00) per dog.

C. No person shall own or keep in this Town any dog, which, by biting, barking howling, or in any other manner disturbs the peace or quiet of any neighborhood, or endangers the safety of any person.

D. No person owning or keeping any dog in the Town shall permit the same to go at large to the injury or annoyance of others nor shall such dogs be permitted at large upon the streets or public ways of the Town unless restrained by leash.

E. Violators of the preceding sub-sections A through sub-section D and F shall be subject to the following penalties for the following offenses within a calendar year:

First Offense	\$50.00
Second Offense	\$100.00
Third offense & Subsequent	\$300.00

F. No person owning or having the care, custody or control of any dog shall permit such dog to soil or defile or commit any nuisance upon any sidewalk, gutter, thoroughfare, beach or wetland, public park, school property, conservation lands, or other public property, or upon any property of persons other than the owner or persons having the care, custody or control of such dog, unless said person picks up such waste and disposes of same in a sanitary manner. This section shall not apply to physically handicapped persons in whose custody and control said dog may be.

G. No Person shall own or keep any dog or cat in the Town of Hudson which is unvaccinated for rabies. Penalty for violation of this subsection shall be Fifty dollars (\$50.00).

Section 8. Traffic Obstruction by Vehicles

No person shall permit any vehicle under his care or control to stand across any highway, crosswalk, sidewalk, or street in such a manner as to obstruct the travel over the same; no person shall stop with any vehicle in any public street so near to another vehicle as to obstruct public travel; and no person shall stop with any vehicle upon or across any crossing in any street or highway in the town.

Section 9. Obscene Graffiti

No person shall make any indecent figure or write any indecent or obscene words upon any fence, building, or structure in any public place, or upon any sidewalk or wall.

Section 10. Posting Material

No person, unless required by law to do so, shall make any marks, letters, or figures of any kind, or place any sign, advertisements or placard upon or against any wall, fence, post, ledge, stone, tree, building, sidewalk, or structure in or upon any street in this town without the permission of the owner thereof.

Section 11. Distributing Material

No person shall distribute papers, circulars, or advertisements through the town in such a manner as to create a disturbance, or litter.

Section 12. Loitering, Disturbing the Peace, Obstruction of Passage

No person shall throw any object or missile in or across any public way of the Town; nor obstruct passage of any street to vehicle or pedestrian use or sidewalk to pedestrian use; nor unnecessarily make any alarming or tumultuous noise which disturbs the peace or the quiet of persons; nor join in any assemblage on any street or sidewalk so as to obstruct free passage thereon or to disturb the peace; nor shall any person behave in a disorderly manner or address another person with profane or obscene language when such language may create a disturbance of the peace in any street or sidewalk or other public area within the Town; nor shall any person remain within the doorway, portico, or projections of any building without the express permission of the property owner. Violators of this Section shall be subject to a fine of not less than \$50.00 and not more than \$200.00.

Section 13. Coasting

No person shall coast upon any sidewalk in the town, and the Select Board shall have the power to regulate and/or prohibit coasting upon any of the public ways of the town by designating each year by public notice upon which streets or public ways coasting shall be prohibited and/or upon what streets or public ways coasting shall be allowed.

Section 14. Coasting Barricades

Streets or public ways which the Select Board have designated by public notice, to be streets upon which coasting is permitted or not expressly forbidden, may be protected by barriers and any unauthorized person or persons moving such barriers shall be subject to a fine of not more than \$20.00 for each offense.

Section 15. Loitering on School Grounds, Enclosures or Cemeteries

No person shall resort to or frequent any schoolhouse grounds or enclosure in the town to interfere with or annoy any person lawfully using or enjoying the same; nor shall any person resort to or frequent any cemetery or graveyard in the town and there engage in or be present at any game of cards or other sports, or lounge or loiter therein to the annoyance or interference of persons properly visiting or resorting to said places.

Section 16. Awnings, Signboards

No person shall place over any sidewalk any awning shade or signboard less than seven feet from the ground at the lowest part, nor construct or maintain any awning, shade, or signboard extending beyond the line of the sidewalk.

Section 17. Moving Building on Private Ways

No person shall move or assist in moving any building over any street or way which this town is obliged to keep in repair without the written permission of the Select Board being first obtained, or having obtained such permit, without complying with the restrictions and provisions thereof.

Section 18. Sidewalk Obstruction

No person shall obstruct the free, open and convenient use by the public for travel of any sidewalk, by occupying the same with goods, wares, merchandise or other chattels, or truck unloading merchandise, or by using the same as a place or resort, amusement, recreation or business.

Section 19. Sidewalk Storage

No person shall deliver, place or cause to be delivered or placed upon any sidewalk in this town, any coal, truck, bale, box, crate, barrel, package, bundle, or any other article or thing, so as to obstruct the free, open and convenient use of such sidewalk or any part thereof, for more than thirty minutes at one time or for more than ten minutes at one time after being notified to remove such obstruction by a police officer.

Section 20. Building Construction Material Storage

Any person who intends to erect, alter, repair or take down any building, or part thereof, on land abutting on any street or public place in this town and desires to make use of such street or place for the purpose of placing thereon building materials or rubbish, shall give notice thereof to the Director of Public Works. Thereupon the Director of Public Works may grant a permit to occupy such a portion thereof to be used for such purposes as in his judgment the necessity of the case demands and the security of the public allows; such permit to run for not longer than sixty days and to be on such conditions and by furnishing such security, by bond, or otherwise, for the observance and performance of the conditions and for the protection of the town, as the Director of Public Works may require; and especially in every case upon condition that during the whole of every night, from sunset in the evening until sunrise in the morning proper lights shall be so placed as effectively to secure all travelers from liability to injury. Such permit may be renewed at the discretion of the Director of Public Works.

Section 21. Restrictions Relative to Abandoned or Inoperative Motor Vehicles

- A) No person shall abandon any motor vehicle as defined under Massachusetts General Laws, Chapter 90, Section 1, as amended or parts thereof within the Town and no person shall leave any motor vehicle at any place within the Town for such time and under such circumstances as to cause such motor vehicle or parts thereof to reasonably appear to have been abandoned.
- B) No person shall store, park, place, or leave any unregistered, or partially dismantled, permanently disabled, non-operating, wrecked or junked motor vehicle, or parts thereof on any public way, street or highway within the Town.
- C) No person in charge or control of any property within the Town, whether as owner, tenant, occupant, lessee, or otherwise, shall allow more than one unregistered, partially dismantled, permanently disabled, non operating, wrecked or junked motor vehicle to remain on any real property within the Town for a period to exceed seventy-two (72) hours unless such motor vehicle shall be stored within a building, structure or in an area unexposed to the view of the general public or abutters adjacent or contiguous to such real property.
- D) The provisions of this By-Law shall not apply to any properly licensed junk dealer or automobile dealer provided however that motor vehicles of such dealers shall be stored in an area approved by the appropriate public official.
- E) Any motor vehicle found to be violating the provisions of this By-Law may be removed pursuant to the provision of Massachusetts General Laws, Chapter 90, Section 22C.
- F) Any person violating any of the provisions of this By-Law, upon conviction, shall be fined fifty dollars (\$50.00) for each offense. Each motor vehicle kept in violation of this By-Law and each day that this By-Law is violated shall constitute a separate offense.

Section 22. Junk Dealers

- A) No person shall be a collector of, or dealer in junk, old metals, or second-hand articles, or a keeper of a shop for the purchase, sale or barter of junk, old metals or second-hand articles, unless licensed therefore by the Select Board.
- B) No person shall hawk or peddle fish, fruit, or vegetables within the limits of the Town, except as authorized by law, without first obtaining a license therefore from the Select Board upon payment of a fee of \$5.00.
- C) Notice of an application for license under this section shall be published in a newspaper in said town at least three days before the granting of such license. Said notice shall give the date when such application will be heard, and any person may appear to favor or to oppose the granting of such license. All advertising charges shall be paid by the applicant.

Section 23. Utility Extensions

The extension of gas mains, telephone and electric lines and conduits in streets where such mains, lines and conduits are already built shall be made only on a written permit issued by the Director of Public Works. Such permits will be granted by the Director of Public Works upon receipt of a written petition for said extension, accompanied with a sketch or plan showing the

approximate location, size, length and details of said extension. The Director of Public Works may also prescribe additional regulations and require bonds in connection with said permits.

Section 24. Restrictions on Vehicles During Snow and Ice Removal Operations

No person shall place or cause to be placed any vehicle which shall interfere with the removing or plowing of snow or the removing of ice from any way of the Town or from any Town owned or leased municipal parking lot, so designated, and the Director of Public Works or other officer in charge of the ways for the purpose of removing or plowing snow or removing ice, from any way or Town owned or leased municipal parking lot, is hereby authorized and empowered to remove, or cause to be removed, to some convenient place, including in such terms a public garage, any vehicle interfering with such work, and the owner of such vehicle shall be liable for the cost of such removal, and the storage charge, if any, resulting therefrom.

Section 25. Earth Removal

Definitions:

Section 25.1a - For the purpose of this by-law, "earth" shall include soil, loam, sand, and gravel.

Section 25.1b - For the purpose of this by-law, "Board" shall mean the Select Board.

Earth Removal Procedure:

Section 25.2a - Within 30 days after this Earth Removal By-Law becomes effective, all active pits must be registered with the Select Board and Board of Assessors designating:

- (1) Their location.
- (2) Identification by Assessors Map and lot number.
- (3) Perimeter plot plan indicating area being excavated in relation to boundary lines.

Section 25.2b - No earth shall be removed from any parcel of land in the town without a written permit from the Board, except as hereinafter provided.

Section 25.2c - The removal for sale, gift or delivery beyond the town limits of earth shall be allowed only under special permission of the Board, and under such conditions as to the Board shall impose.

Section 25.2d - Any person wishing to remove earth from property in the town shall file a written application with the Board, which application shall include the following specific information and supporting documentation:

- (1) The location of the proposed excavation.
- (2) The legal name and address of the owner of the property involved.
- (3) The legal name and address of the petitioner.
- (4) Names and addresses of all the abutting property owners, including those across any abutting streets, as appearing on the records of the Board of Assessors.
- (5) A plan of the land prepared by a registered professional engineer, showing general topography within 100 feet of the proposed excavation or to the property line.

- (6) A plan of the land, prepared by a registered professional engineer, showing contours of the site indicating existing and proposed completion elevations at five (5) foot intervals.
- (7) A proposed form of bond to be submitted to the Board.
- (8) The proposed depth of excavation and the elevation of the annual high water table, as determined by test pits and soil borings, monitored for at least one (1) year.

Section 25.2e - No permit for the removal of earth shall be issued by the Board until a public hearing has been held by the Board, notice of which shall have been given, at the applicant's expense, by publishing in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing and by mailing a notice thereof, postage prepaid to the owners of all property deemed by the Board to be affected thereby as they appear on the most recent local tax list, said notice to be sent by certified mail, return receipt requested, by the applicant and at the expense of the applicant.

Section 25.2f - Any permit issued hereunder shall automatically expire upon the completion of the earth removal project for which it was issued or at such other time as may be specified in said permit, but in no case for a period of more than one year.

Section 25.2g - Approval of the renewal of a permit for a period not in excess of one (1) year may be made by the Board without hearing, if the Board finds that all conditions have been complied with and that the work has been carried on continuously and in good faith.

Section 25.2h - A change of ownership of land (in entirety or in part) for which a valid permit is outstanding shall call for the registration and application for a new permit.

Exemptions

Section 25.3a - No permit shall be required for the moving of earth from an individual parcel under the following circumstances:

- (1) Where necessary to the extent that such is necessary for the lawful construction of a building, parking lot, driveway, swimming pool or landscaping activities accessory to such construction in accordance with permits issued, or a site plan approved by the proper town authorities.
- (2) Where necessary as part of the construction of a road within the town whether public or private in accordance with site plans and permits approved by the proper town authorities.
- (3) Where necessary as part of a sanitary landfill, dump, farm, garden or in the operation of a cemetery in accordance with such site plans and permits approved by the proper town authorities.

Section 25.4a - No permit for the removal of earth shall be approved by the Board except upon condition that a cover of top soil of not less than six (6) inches in depth shall be replaced or allowed to remain, except where, due to construction or roads, buildings or other permanent physical features, such provision is impractical.

Section 25.4b - No permit shall be issued for the removal of earth in any location if such removal:

- (1) will endanger the public health or safety or constitute a nuisance;
- (2) will produce noise, dust or other effects observable at the lot lines in amounts seriously objectionable or detrimental to the normal use of adjacent property;
- (3) will result in the transportation of materials in such a manner as to cause traffic congestion or hazards, particularly on residential streets;
- (4) will result in a change in topography and cover which will be disadvantageous to the most appropriate use of the land;
- (5) will result in the transportation over ways which will be unduly injured thereby.

General Limitations

Section 25.5a - No permit for the removal of earth shall be approved by the Board if the work extends within three hundred (300) feet of a way open to public use, whether public or private, or within two hundred fifty (250) feet of a building or structure unless the Board is satisfied that such removal will not undermine the way or structure.

Section 25.5b - In approving the issuance of a permit, the Board shall impose reasonable conditions which shall accompany and shall constitute part of the permit, including but not limited to:

- (1) The finished leveling and grading
 - (a) Leveling and grading must be done annually
- (2) The placing of top soil and planting necessary to restore the area to usable condition
 - (a) Seeding must be done annually no later than September 15th of the operating year
- (3) The duration of the removal operation
- (4) The construction of necessary fencing and other protection against nuisances
- (5) Method of removal
- (6) Temporary structures
- (7) Hours of operation
- (8) Routes of transportation of material
- (9) Control of temporary and permanent drainage
 - (a) All existing brooks, ponds and water ways shall remain free and clear from pollution and obstruction
- (10) Disposition of boulders, tree stumps and felled trees
- (11) Trees or other vegetation within 100 feet of a property line shall not be removed
- (12) Excavation shall not be made lower than ten (10) feet above the annual high water table.
- (13) An as-built plan, showing compliance to the permit, shall be submitted to the Select Board at the time of completion of the project or prior to the expiration of the permit. A registered engineer shall prepare the as-built plan.

Section 25.5c The Board shall require a bond or other security to enforce performance of conditions imposed by this By-law.

Section 26. Restrictions Relative To Consumption or Possession of Alcoholic Beverages

- A. No person shall drink, consume or possess an open bottle, can or container of any alcoholic beverage as defined in Chapter 138, Section 1, of the Massachusetts General Laws, while, in, on or upon any public way, public park, playground, recreation or conservation area, public building, public parking lot, private parking lot, private way to which the public has access or any private land or place, except as otherwise provided herein.
- B. The prohibition shall apply in, on or outside of an automobile or other motor vehicle but shall not apply in or upon:
 - 1. Any private parking lot, private way to which the public has access or any private land or place where prior express consent has been obtained from the owner or authorized person in control thereof and, provided further, that no disturbance, annoyance or public nuisance is created thereby.
 - 2. Any public property specified in sub-section A, where prior express consent by way of a permit has been issued by the Select Board in accordance with the provisions hereof and provided, further, that no disturbance, annoyance or public nuisance is created thereby.
- C. Whoever remains in, on or upon any premises described herein, in willful violation of this By-Law, may be arrested without a warrant pursuant to Chapter 272, Section 59 of the Massachusetts General Laws as amended, by an officer authorized to serve criminal process within the Town of Hudson, and kept in custody until such person can be brought before a court having jurisdiction over the adjudication of the offense.
- D. All alcoholic beverages being used in violation of this By-Law shall be seized and safely held until final adjudication of the charge against the person or persons arrested, at which time they shall be returned to the person or persons entitled to lawful possession, unless, as a result of said adjudication, such alcoholic beverages are ordered confiscated or seized then to be disposed of according to the Massachusetts General Laws or as the court directs.
- E. The following shall be the permit procedure as referred to in this By-Law.
 - 1. Any person seeking a permit hereunder shall make application in writing to the Select Board. The application shall specify the name and address of the applicant, the date, hour and location, number and ages of persons and the nature of the function associated with the proposed use.
 - 2. Before the issuance of said permit, the person applying shall certify to the Select Board, in writing, that all other required municipal permits and licenses have been procured.
 - 3. The Select Board shall not be required to issue such permit if in its opinion, after proper inquiry, it appears that a public nuisance, disturbance or annoyance may be created

thereby or that the public health, safety, welfare, convenience or necessity will not be observed thereby.

4. In the instance of a group or organization function, one permit may be issued to an officer or duly appointed representative of said group or organization in lieu of individual permits.
 5. There shall be a fee imposed of Fifty Dollars (\$50.00) for the issuance of each permit.
 6. A permit issued in accordance with the terms and conditions of this by-law shall be valid only for the date, time, place and individuals or group set forth in the approval application.
 7. Any permit issued under this By-Law may be revoked by the Select Board without prior notice if, in its opinion, there is probable cause to believe that a disturbance, annoyance or public nuisance may occur.
 8. Any permit issued under this By-Law is subject to full compliance with the rules and regulations promulgated by the Select Board then in effect at the time of issuance.
- F. Anyone found guilty of a violation of Sections, A,B,C or D of the By-Law shall be fined One Hundred Dollars (\$100.00) for each offense.

Section 27. Town Maintenance of Private Ways

The Town may construct, reconstruct, resurface, and repair any private way which has been used by the public for twenty-five (25) years or more; provided, that more than fifty per-cent (50%) of the owners of land abutting on any such way petition the Town to do such work.

Section 28. Temporary Repair of Private Ways

The Town may make temporary repairs on private ways which have been opened to public use for six (6) years or more, and in such cases Section 25 of Chapter 84 of the General Laws shall not apply. Said repairs shall not include construction, reconstruction or resurfacing as such ways. The cost of such repairs shall be paid by the abutters. Such repairs shall be made only if petitioned for by the abutters who own fifty percent (50%) of the linear footage of such way. No such repairs shall be commenced unless and until a cash deposit equal in amount to the estimated cost of such repairs as determined by the Town Department of Public Works is paid over to the Town. Said temporary repairs shall only include the filling in of holes, and depressions with sand, gravel, cinders or other suitable materials and shall not include the resurfacing or permanent construction of said ways. The Town shall be held harmless on account of any damages whatever caused by such repairs by agreements executed by the abutters who petitioned therefor.

Section 29. Temporary Repair of Specific Ways

The Town may make temporary repairs on the following private ways: Belleview Street, Daniels Road, Elizabeth Road, Feltonville Road, Hickory Lane, Highland Park Avenue, Hillside Road, Hunter Avenue, Juniper Road, Lake Boone Drive, Lake Shore Drive, Lilac Lane, Marjorie Street, Old County Road, Princeton Road, Richardson Road (Gravel) , Temple Avenue, Warner Street

(Southern End), Welsh Street, Wheeler Road and Worcester Avenue which have been open to public use for ten years. Said repairs shall not include construction, reconstruction or resurfacing of such ways but shall only include filling in of holes with sand, gravel, cinders or other suitable materials and binding the top of holes with a material similar to that presently used on the road.

Drainage shall be permitted where necessary, including new work as well as restoration or improvement of existing drainage systems. The Town declares that all roads listed above require repair by public necessity. The Director of Public Works shall maintain a report of each road, so noting the public necessity. The abutters of each road shall not be required to petition the Town to request these temporary repairs. The Town shall not assess betterment charges for the work to be performed. Such costs shall be approved by vote at any Town Meeting and made part of the General Account budget specifically labeled for Private Road Repair. Only funds so voted may be expended by this section. The Town shall be held harmless from any and all liability on account of damages caused by such repairs. The Town shall only work on such ways that have been open to public use ten years or more. The Town shall not require any cash deposit for said repairs.

Section 30. Street Numbers

Street numbers shall be displayed at the expense of the owner of each structure, on each dwelling, each business building and each industrial building in accordance with the following:

- A. Each number shall be a numeral of the kind known as Arabic, at least four (4) inches in height and shall be clearly visible from the street or roadway upon which the building faces. Each number shall be placed on the structure itself or on a suitable support near the main entrance to the structure and shall be located no less than five (5) feet nor more than eight (8) feet high from ground level (if located on a suitable support) or from the floor level (if placed on the structure).
- B. If the structure has not been previously assigned a street number by the Town, it shall be the owner's responsibility to obtain such a number from the building inspection department of the Town during said department's regular office hours.
- C. The principal officer of the building inspection department of the Town of Hudson, as said department shall from time to time be constituted, shall enforce the provisions of this section and shall further have the responsibility to assign and change, from time to time, such street numbers as he may deem necessary and appropriate. He shall give notification of such assignment or change in writing, by first class mail, postage prepaid to the owner of record as shown on the most recent Assessors' Record.
- D. The owner of any structure affected by any provision of this section shall make any required change within three months of receiving written notification addressed to him, by first class mail, postage prepaid.
- E. Any owner violating any provision of this section may be fined not more than ten dollars (\$10.00) for each offense. Each day that such violation continues shall constitute a separate offense.
- F. This section shall take effect April 1, 1979.

Section 31. Electrified Fences

Electrified fences shall be prohibited unless for the purposes of restraining and protecting livestock or for the protection of industrial or commercial property.

Section 32. - Regulations for Security Alarm Systems

I Applicability

This section is intended to regulate the activities and responsibilities of those persons who purchase, lease or rent alarm systems, devices or services. It is further intended to encourage the improvement in reliability of these alarm systems, devices and services and to insure that the police department personnel will not be unduly diverted from responding to actual criminal activity as a result of responding to false alarms. The provisions of this article shall not apply to alarm systems owned and/or operated by agencies within the Town of Hudson government.

II Administrative Rules

The Chief of Police may promulgate such rules as may be necessary for the implementation of this by-law.

III Direct Connection to the Police Department

- (A) Alarm systems shall be connected to the Communications Console in the police department by obtaining written approval from the Chief which shall be granted upon the receipt of a fifty dollar (\$50.00) fee for the benefit of direct communication to the police console number which shall be a separate number from the emergency line.
- (B) In accordance with the normal bidding practices in effect in the Town, the Chief of Police shall have the authority to request bids from alarm companies to furnish, at no cost to the Town, a communications console and the necessary telephone lines which are compatible to the receipt of alarm systems whose lines are connected to the police department. Each bid shall set forth the annual fee which each alarm user will be required to pay the alarm company for services rendered with respect to the communications console. Services shall be set forth in the form of a written contract between the alarm company and the alarm user.
- (C) Any alarm user may contract with any alarm company of his choice for the sale, installation and/or servicing of the alarm system to be installed on his premises.

IV Alarm User Responsibility

- (A) Every alarm user shall submit to the Chief of Police the name and telephone number of at least two (2) other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises in which the alarm system is located.
- (B) All alarm users must notify the police department, in advance of any testing of equipment. Failure to notify the police department in advance of a testing of equipment shall constitute a false alarm and be subject to the assessment schedule contained herein.
- (C) All alarm systems which use audible bell or horn shall be equipped with an automatic shut off device which will deactivate the alarm system within ten (10) minutes. All alarm users with an audible bell or horn must comply with this section within 90 days of the effective date of the installation.

V False Alarms: Assessment Schedule

- (A) Any alarm system which has two (2) or more false alarms within a calendar year shall be subject to assessment as provided herein.
 - (1) After the police department has recorded two (2) separate false alarms from an alarm user within a calendar year, the police chief shall notify the alarm user, in writing and by certified mail, of such facts, and require the user to submit within ten (10) working days of receipt of such notice, a report describing the user's efforts to discover and eliminate the cause or causes of the false alarms. This notice, by certified mail from the Chief of Police or his designee, shall contain the dates and times of each alleged false alarm.
 - (2) In the event that the Chief of Police or his designee determines that a report submitted in accordance with paragraph A(1) of this section is unsatisfactory, or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the police chief or his designee shall order that the use of the alarm system be discontinued for a period of thirty (30) days.
 - (3) Any user of an alarm system which transmits a third false alarm signal shall be assessed a fine of:
 - \$10 for the third false alarm in a calendar year
 - \$25 for the fourth false alarm in a calendar year
 - \$50 each for all subsequent false alarms.

All fines assessed hereunder shall be made payable to Town Treasurer for deposit in the General Fund.

- (4) If the alarm user submits a report as required by Paragraph A(1) of this section, the Chief of Police or his designee shall determine if the action taken or to be taken will substantially reduce the likelihood of false alarms. If it is determined that the action taken or to be taken will substantially reduce the likelihood of false alarms, the Chief of Police shall notify the alarm user, in writing, that no assessment will be made at that time. If no assessment is made at that time, the alarm user will be subject to assessment procedures on the next false alarm signal transmitted.

- (5) Upon failure of the user of an alarm system to pay two (2) consecutive fines assessed hereunder, within sixty (60) days of the assessment, the Police Chief shall order that the user discontinue the use of the alarm system for not more than six (6) months.
- (6) Proof that the false alarm was caused by an Act of God or by the actions of the telephone company shall constitute affirmative defense to assessment of the particular false alarm.
- (7) The provisions of this section concerning false alarms pertain to all alarm users except municipal, county and state agencies.

VI Appeals Procedures

- A. Any alarm user who is aggrieved by a decision of the Chief of Police pursuant to Section V of this by-law may within five (5) working days of notice of the Chief's decision, appeal his case, in writing, to the Chief for further consideration.
- B. All decisions made by the Chief of Police after the appeals procedure are final. The only grounds for appealing a decision of the Chief are:
 1. Proof of a false alarm assessment under Section V of the assessment schedule, and
 2. Written verification from the alarm user and the alarm company, that all necessary steps have been taken to upgrade, improve and insure the accuracy of the alarm system.

VII Penalties

- A. The following acts and omissions shall constitute violation of this By-Law punishable by fine up to fifty (\$50) dollars.
 1. Failure to obey an order of the Police Chief to discontinue use of an alarm system, after exhaustion of the right of appeal.
 2. Failure to disconnect an automatic dialing device from any police department lines within 90 days of the effective date of the By-Law.
 3. Interconnection of an automatic dialing device to any Police Department telephone lines after the effective date of the bylaw.
 4. Failure to pay two (2) or more consecutive fines assessed under Section V, paragraph (3) of the bylaw within 60 days from the date of assessment.
 5. Failure to comply with the requirements set forth in Section IV (A-C) of this bylaw.

Section 33. Noise Regulation

No person shall make any loud, objectionable or unreasonable noise between the hours of eleven o'clock in the post meridian and seven o'clock in the anti meridian; the noise may be of

other than electronic equipment (Stereo) or radio equipment. Only emergency road repair or construction may be done during this period of time. The Police Chief may designate quiet zones upon request of persons who are ill or near buildings where services are being conducted; no building or construction may begin during these hours.

Section 33A: Noise Regulation Compression brakes prohibited:

It is unlawful for the driver of any vehicle, except fire trucks and any emergency vehicle, except in case of emergency to use or operate, or cause to be used or operated along any public way maintained by the Town of Hudson, any compression brake, engine brake, dynamic brake, or mechanical exhaust device designed to assist in the deceleration or braking of any motor vehicle, if such device or devices result in excessive, loud, or otherwise unusual noise.

Section 34. License Fees for Automatic Amusement Devices

- A. The annual fee for licensing of an automatic amusement device, as defined and licensed under General Laws Chapter 140, Section 177A, shall be in such amount as is established by the Select Board in a duly adopted schedule of fees, provided, however, that such fee shall not be less than Twenty Dollars (\$20.00) nor greater than One Hundred Dollars (\$100.00).
- B. The fee for amending an existing license for which the annual fee has been paid shall be Ten Dollars (\$10.00).

Section 35. Driveway Permit

No person shall install a driveway without first obtaining a permit from the Director of the Department of Public Works.

All driveways shall be installed in compliance with the following regulations:

- (1) Driveways shall not be allowed to enter the public way directly onto the intersection rounding.
- (2) No driveway shall be constructed which ties directly onto the Town way in any manner which inhibits the existing drainage system of the Town way.
- (3) No driveway shall be constructed so as to cause water to flow onto the town way.
- (4) The elevation of the finished grade of the driveway at the back of the sidewalk or the front property line shall be three (3) inches above the centerline elevation of the Town way.
- (5) All driveway openings shall be paved with a minimum of three (3) inches of bituminous concrete or other suitable material approved by the Department of Public Works, between the Town way and the property line. All costs shall be borne by the owner of the driveway.

- (6) The cost of relocating any existing, Town owned and maintained, utilities, mains and services due to the construction of a new driveway shall be borne by the owner of the driveway.
- (7) The slope of the driveway shall not be greater than ten (10) percent for the first twenty (20) feet from the edge of the property line.
- (8) Not more than two (2) adjoining lots may be serviced by one (1) common driveway, provided that the driveway falls within the frontage of one or both of the lots serviced and all other provisions of this bylaw are met.
- (9) No permit shall be issued except upon submission of an application, plan and design of the driveway to the Director of Public Works.
- (10) No work to be commenced until approval is granted by the Director of Public Works and the permit is issued.

Section 36. Parking Spaces - Motor Vehicles - Handicapped

1. Designated parking spaces for vehicles owned and operated by disabled veterans or by handicapped persons and bearing the distinctive number plates authorized by Section 2 of Chapter 90 shall be provided in public and private off-street parking areas.
 - (a) Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other places where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle bears the distinguishing license plate authorized by Section Two of Chapter Ninety, according to the following formula:

If the number of parking spaces in any such area is

 - more than fifteen but not more than twenty-five, one parking space;
 - more than twenty-five but not more than forty, five percent of such spaces but not less than two (2);
 - 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 percent of such spaces but not less than ten;
 - more than one thousand but not more than two thousand, one percent of such spaces but not less than fifteen;
 - more than two thousand but less than five thousand, three-fourths of such spaces but not less than twenty;
 - more than five thousand, one-half of one percent of such spaces but not less than thirty.

Parking spaces designated as reserved under the provisions of paragraph (a) shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required, Unauthorized Vehicles May be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them. The cross hatched area abutting a handicapped space shall, for the purposes of this section, be considered a handicapped parking space.

2. No person shall leave any unauthorized vehicle within parking spaces designated for use by disabled veterans or handicapped persons as authorized by paragraph 1 hereof or in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way.
3. The penalty for violation of this By-Law shall be \$100.00 and the removal of vehicle in accordance with the provisions of Section 120D of Chapter 266 of the Massachusetts General Laws, as amended.

Section 37. Prohibition of traps

It shall be prohibited and unlawful for any person to set, trigger, activate, or otherwise use or cause to be set, triggered, activated, or used any type of padded or unpadded steel and/or other materials jawtrap, any type of leg hold trap system, or any type of conibear trap or any type of neck hold trap within the limits of highways, parks, school grounds, or any other public or private property within the Town of Hudson. The fine for each violation of this section shall be Three Hundred Dollars (\$300.00) with each violation constituting a separate offense. The Police Department and/or Animal Control Officer of Hudson shall be authorized to enforce this By-Law (Gen. Laws-Cities, Town, Districts -21D). The Town of Hudson shall attach to all public land sold, transferred, given, exchanged and/or acquired a Deed of Restriction for Public Safety purposes incorporating said article - Prohibition of Traps (Article vi Section 37).

Section 38. Licenses and Permits of Delinquent Taxpayers

- (a) The Treasurer/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 licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a 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 furnished to the licensing authority from the tax collector; or with respect to any activity, event, or other matter which is the subject of such license or permit, and which activity, event, or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax

collector, provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

- (c) Any party shall be given an opportunity to enter into payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- (d) The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Section 1 of Chapter 268 in the business or activity conducted in or on said property.
- (e) The provisions of the by-law shall not apply to the following licenses and permits:
 - 1) Open burning; M.G.L. C. 48, S. 13;
 - 2) Bicycle permits; M.G.L. C. 85, S. 11A;
 - 3) Sales of articles for charitable purposes, M.G.L. C. 101, S.33;
 - 4) Children work permits, M.G.L. C. 149, S. 69;
 - 5) Clubs, Associations dispensing food or beverage licenses, M.G.L. C140 S21E;
 - 6) Dog licenses, M.G.L. C. 140, S 137;
 - 7) Fishing, hunting, trapping license, M.G.L. C. 139, S. 12;
 - 8) Marriage license, M.G.L. C. 207, S. 28;
 - 9) Theatrical events, public exhibition permits, M.G.L. C. 140, S. 181.
- (f) The provisions of this by-law are severable and if any part of this by-law is adjudged unconstitutional or invalid, such judgment shall not effect other valid parts hereof.

Section 39. Municipal charges and bills, due dates; interest

In accordance with Massachusetts General Laws, Chapter 40, Section 21E, all municipal charges and bills which remain unpaid after the date marked due shall accrue interest at the rate of fourteen percent (14%) per annum. Charges for water and sewer use and construction shall be due 30 days from the date of issuance.

Section 40. Fees of Sealers of Weights and Measures

In accordance with Massachusetts General Laws, Chapter 98, Section 56, the Town shall have the right, by a majority vote of the Town Meeting, to establish and otherwise alter and amend the fees charged by the Sealer of Weights and Measures.

Section 41. Fire Lane Restrictions

It shall be unlawful for any motor vehicle to park or in any way obstruct a fire lane. Such fire lanes shall be designated by the Select Board upon the recommendation of the Chief of the Fire Department and posted as such. Said Fire Lanes are to be a distance of twelve (12) feet from the curbing of a sidewalk in a shopping center, theatre or similar locations. Where no sidewalk with curbing exists, the distance shall be eighteen (18) feet from the building. The penalty for violation of this by-law shall be a fine of \$25.00 and removal of the motor vehicle in accordance with the provisions of Section 120D of Chapter 266 of the Massachusetts General Laws, as amended.

Section 42. Fire Alarm Systems

I Preamble

WHEREAS, there has been an increase in recent years in the use of fire alarm systems which operate by way of a Master Box or by way of a central station operating company; and

WHEREAS, improper installation, defective equipment, lack of maintenance or other reasons cause fire alarm systems to malfunction; and

WHEREAS, each time the Hudson Fire Department responds to a fire alarm activation because of a fire alarm malfunction the estimated cost to the Town of Hudson is a minimum of \$150; and

WHEREAS, in addition to the financial cost, each malfunction requires that Hudson Fire Department personnel respond, thus decreasing the number of Hudson Fire Department personnel available to respond to an actual fire or other emergency; and

WHEREAS, the Hudson Fire Department's responding to fire alarm malfunctions jeopardizes the safety of fire fighters as well as the general public;

Now, therefore be it enacted in the public interest as follows:

II Fire Alarm Systems

In this By-Law, unless a contrary intention clearly appears, the following words shall have the following meanings:

- (1) "Central station operating company": A company equipped to receive a fire alarm signal from each of its customers and which then transmits to the Hudson Fire Department (HFD) the location of any such alarm the central station operating company receives.

- (2) "Fire Alarm System": Any heat-activated, smoke-activated, flame-energy-activated or other such automatic device capable of transmitting a fire alarm signal to either a central station operating company or directly to the H.F.D. by way of a master box.
- (3) "Fire Alarm Malfunction": The transmittal of a fire alarm to a central station operating company or directly to the H.F.D. by way of a master box which alarm is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reason that causes a fire alarm to sound even though there is no actual fire or situation that reasonably could evolve into a fire.
- (4) "Fire Alarm System Owner": An individual or entity which owns the title to and/or has on his business or residential premises a fire alarm system equipped to send a fire alarm signal to a central station operating company or directly to the H.F.D. by way of a master box.
- (5) "Fire Chief": The Chief of the Hudson Fire Department.
- (6) "Master Box Owner": An individual or entity who has on his business or residential premises a fire alarm system equipped to send a fire alarm signal directly to the H.F.D. by way of a master box.

IV Connection of Fire Alarms Systems to the H.F.D. by way of a Master Box

- A. Every Master Box Owner whose fire alarm system as of the date of adoption of this By-Law is connected to the H.F.D. by way of a master box, shall pay the following fees:
 - Annual Fee for Churches and Non-Profit Organizations.....\$ 75.00
 - Annual Fee for all others.....\$150.00
- B. Every Master Box Owner whose fire alarm system is connected after the date of adoption of this By-Law to the H.F.D. by way of a master box shall pay the following fees:
 - Permit Fee.....\$ 20.00
 - Connection Fee.....\$100.00
 - Annual Fee for Churches and Non-Profit Organizations.....\$ 75.00
 - Annual Fees for all others.....\$150.00
- C. Before any fire alarm system is connected to the H.H.D., the Master Box Owner shall provide the Fire Chief with the following information:
 - a. the name, address, and home and work telephone numbers of the Master Box Owner and other persons or businesses protected.
 - b. the street address where the master box is located.
 - c. the names, addresses and home and work telephone numbers of at least two persons other than the owner who can be contacted 24 hours a day, who are authorized by the Master Box owner to respond to an alarm signal and who have access to the premises in which the master box is located. Installation of a Key Box providing the H.F.D. access as required and specified in IX: Secured Key Access;
 - d. the insurance carrier (with a copy of the insurance policy) for the building.
 - e. Such other information as the Fire Chief may require.

If as of the date of adoption of this By-Law a fire alarm system has already been connected to the H.F.D. by way of a master box, the Master Box Owner shall comply with the requirements of this section within sixty (60) days after the H.F.D. has sent him notice by certified mail, return receipt requested, of the requirements of this section.

If a Master Box Owner fails to comply with this section, the Fire Chief may assess a fine of Fifty Dollars (\$50.00) for each day of non-compliance.

V Connection of Central Station Operating Companies to H.F. D

- A. Every central station operating company which makes a direct connection after the date of adoption of this By-Law to the H.F.D., shall pay the following fees:

Permit Fee.....	\$ 20.00
Connection Fee.....	\$100.00
Annual Fee for Churches and Non-Profit Organizations.....	\$ 75.00
Annual Fee for all others.....	\$150.00

- B. Before any central station operating company is connected with the H.F.D., it shall provide the Fire Chief with the following information:
- a. the name, address, and home and work telephone numbers of the Master Box Owner and other persons or businesses protected.
 - b. the street address where the master box is located.
 - c. the names, addresses and home and work telephone numbers of at least two persons other than the owner who can be contacted 24 hours a day, who are authorized by the Master Box Owner to respond to an alarm signal and who have access to the premises in which the master box is located. Installation of a Key Box providing the H.F.D. access as required and specified in IX: Secured Key Access:
 - d. the insurance carrier (with a copy of the insurance policy) for the building.
 - e. Such other information as the Fire Chief may require.

If upon adoption of this By-Law a central station operating company has a direct connection to the H.F.D., the central station operating company shall comply with the requirements of this section within sixty (60) days after the H.F.D. has sent it notice by certified mail, return receipt requested, of the requirements of this section.

If a central station operating company fails to comply with this section, the Fire Chief may assess a fine of Fifty Dollars (\$50.00) for each day of non-compliance.

VI Updating Information

Every Master Box owner and every central station operating company shall be responsible for updating the information herein required to be provided to this Fire Chief. If the information provided changes, the Master Box Owner and the central station operating company shall provide the Fire Chief with the updated information and shall pay the fee, if any required by this By-Law. If a Master Box Owner or a Central Station Operating Company fails to comply with VI: Updating Information, the Fire Chief may assess a fine of Fifty Dollars (\$50.00) for each day of non-compliance.

VII Fire Alarm Systems Malfunctions-Fines

If there is a Fire Alarm System Malfunction, the Fire Chief may assess a fine against a fire alarm system owner for each malfunction occurring during any fiscal year according to the following schedule:

- A. 1ST THROUGH 3RD MALFUNCTION.....NO CHARGE

Upon recording of the 3rd false alarm by the H.F.D., the Fire Chief will notify the owner of the building, in writing and by certified mail, of such fact, and at this time inform the owner of the department's policy with regard to charging for false alarms.

- 4TH THROUGH 6TH MALFUNCTION.....\$ 75.00
7TH THROUGH 11TH MALFUNCTION.....\$100.00
EACH MALFUNCTION AFTER THE 11TH\$150.00

- B. Private fire alarm systems connected to the Hudson Fire Department by other automatic means or through a central station system shall also be subject to the above fines.
- C. Any false fire alarm which is the result of the failure of the property owner, occupant or their agents to notify the Hudson Fire Department of repair, maintenance or testing of an internal fire alarm system within the protected premises, shall cause a penalty to be assessed in accordance with Part A of Sub-section VII hereof.
- D. For the purposes of this By-Law, a false fire alarm shall be defined as follows:
- a. The operation of a faulty smoke/heat detection device.
 - b. Faulty control panel or associated equipment.
 - c. A water pressure surge in automatic sprinkler equipment.
 - d. Accidental operation of an automatic sprinkler system.
 - e. An action by a contractor employed by the owner or the occupant, causing accidental activation of an internal fire alarm system.
- E. Property owners will be billed once a month for the malfunction activity occurring during the previous month.
- F. If any bill is not paid within thirty (30) days of issuance, written notice will be sent; if the bill is not paid after a second thirty (30) day period, a final notice will be sent informing the owner and/or occupant that the master box will be disconnected and his insurance company notified.

VIII Restrictions on Tape Dialers and Similar Automatic Telephone Devices

No fire alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm message to any telephone lines of the H.F.D. If, upon adoption of this By-Law, a fire alarm system is equipped with such a tape dialer or similar automatic telephone device, the fire alarm system owner shall have sixty (60) days from adoption of this By-Law to disconnect such tape dialer or similar automatic telephone device. If a fire alarm system owner fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50.00) for each day of non-compliance.

IX Secured Key Access

Any building other than a residential building of less than six (6) units, which has an alarm system or other fire protection system shall be provided with a secure Key Box installed in a location accessible to the H.F.D. in case of emergency. This Key Box control panels and other keys necessary to operate or service fire protection systems. In addition, if required by the Fire Chief, a lock-box sufficient in size shall be obtained and shall contain a list and Material Safety Data Sheets for hazardous substances present on the site in "significant quantities". As used herein, the phrases "hazardous substances" and "significant quantities" shall be defined by applicable Town, Commonwealth of Massachusetts and Federal regulations governing the storage of these substances.

The Key Box and/or Lock-Box shall be of a type approved by the Fire Chief and compatible with the Key Box System presently in use. The Key Box and/or Lock-Box shall be located and installed as approved by the Fire Chief.

No permit for a fire alarm system will be issued until the permit applicant has placed an order for a Key Box/Lock-Box as specified above.

Any building owner violating Part IX of the By-Law after receiving due notice by the H.F.D. shall be subject to a fine of Fifty Dollars (\$50.00) for each day of non-compliance.

Every building owner whose fire alarm system is already connected by master box to the H.F.D. on the effective date of this By-Law shall have ninety (90) days to order a Key Box/Lock-Box to comply with the section. Failure to comply shall be subject to the Fifty Dollars (\$50.00) fine for each day of non-compliance.

X Appeal Procedure

Any fire alarm system owner who is aggrieved by an action taken by the Fire Chief under this By-Law may within ten (10) days of such action, file an appeal, in writing, to the Select Board of the Town of Hudson (the "Board"). After public notice, the Board shall hold a hearing, after which it shall issue a decision in which it may suspend, affirm, annul, or modify the action taken by the Fire Chief giving its written reasons therefor. The Board shall send its decision to the owner by First Class Mail within ten (10) days after the hearing. The decision of the Board shall be a final administrative decision. The owner shall have thirty (30) days from the date of the written decision to seek judicial review in the Middlesex County Superior Court.

XI Regulations and Enforcement

The Fire Chief may promulgate such regulations as may be necessary to implement this By-Law. The Fire Chief is authorized to pursue such legal action as may be necessary to enforce this By-Law.

XII Deposit of Fees and Fines

All fees and fines collected shall be paid to the Hudson Fire Department, which will forward all amounts collected to the Town Treasure for deposit in the General Fund.

XIII Severability

The provisions of this By-Law shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Section 43 PawnBroker

Section 1. License required: application for license, fee, term of license

The Select Board may license suitable persons to be pawnbrokers, provided that not more than one (1) license may be issued for every ten thousand (10,000) persons in Town, as determined by the most recent census. Applications for such license shall be filed at the Office of the Town Clerk and shall be referred to and reported upon by the Police Department. The Town Clerk shall issue such license authorized by the Select Board upon payment of a fee of \$100.00. Each license shall run for a period of one year and expire upon the anniversary date of issuance. No license shall be issued until the applicant has posted the bond required by M.G.L. C 140, Sec 77.

Section 2. Record book to be kept; furnishing information to licensing authorities; penalties for violations.

- (a) Every pawnbroker shall keep a bound book with pages numbered consecutively in which, at the time of making a loan, shall be legibly written in the English language an account and description, including all distinguishing marks and numbers, of the articles pawned, the amount of money loaned thereon, and time of pawning them, the rate of interest to be paid on such loan, and the name, age, residence, including the street, number, site or town and the registration number of the vehicle used by the person pawning such articles, and shall furnish a correct record of such transactions, containing all such information, once a week, or more frequently if required, to the licensing authorities or to any person designated by them. Every pawnbroker shall also photograph any person pawning articles and keep the photographs with said books as part of his records.
- (b) It shall be the licensee's responsibility to require satisfactory identification of the person pawning such article.
- (c) Said bound book shall be kept by the licensee for at least one year from the date of the last entry recorded in same.
- (d) Any violation of any provision of this article shall be a valid reason for immediate revocation of said license at the pleasure of the Select Board.

Section 3. Memorandum of loan to be given

Every pawnbroker shall, at the time of making such loans, deliver to the person who pawns any article, a memorandum or note signed by him and containing the substance of the entry

required by those set forth in Section 2. No charge shall be made or required by any pawnbroker for such entry, memorandum or note.

Section 4. Interest rate

- (a) Every pawnbroker shall, at the time of making such loans, completely disclose the interest rate to be charged on said loan.
- (b) Any pawnbroker who violates any provision of this or the preceding sections shall be punished in accordance with the provisions of Massachusetts General Laws, Chapter 140.

Section 5. Transactions with minors prohibited; retention period; penalty for violations.

- (a) No person who holds a license under the provisions of this By-Law nor any of his employees or agents, shall directly or indirectly, conduct any transactions with any minor, knowing or have reason to believe him to be such. It shall be the licensee's responsibility to require satisfactory proof of age.
- (b) No person licensed under this section, nor any of his employees or agents, shall sell, transfer, alter or destroy any article purchased or received until fifteen days from the date of its purchase or receipt has elapsed; provided, however that said retention period shall be fifteen days in case of purchased precious metals, and provided further that the Chief of Police, or is designee, may, upon a proper showing of the origin of said precious metal, reduce said retention period to seven days. All transactions shall be videotaped or photographed for viewing by the Chief of Police or his designee. Said videotape or photograph shall clearly show the item being purchased or received and clearly show the face of the person pawning or selling the item. Any videotapes and/or photographs required under this section shall be retained by the licensee for a period of ninety days.

Any violations of this section shall be valid reason for immediate revocation of said license by the Select Board after notice and hearing.

Section 6.

The Select Board may make, and from time to time amend, rules and regulations concerning the subject matter of this By-Law.

Section 7.

In addition to the provisions of the By-Law, all pawnbrokers shall abide by and be subject to the provisions of Massachusetts law relating to pawnbrokers.

Section 44. Water-Supply Protection

Section 44.1 Authority

This By-law is adopted by the Town under its home rule powers, its police powers to protect public health and welfare and its specific authorization under M.G.L. c.40, §21 and 21D, as amended. This bylaw implements the Town's authority to regulate water use pursuant M.G.L. c. 40, Section 41A, conditioned upon a declaration of water supply conservation or emergency order issued by the Department of Environmental Protection.

Section 44.2 Purpose

The purpose of this By-law is to protect, preserve, and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department and included in the Town's plan approved by the Department of Environmental Protection to abate the emergency.

Section 44.3 Definitions

The following definitions shall have meaning for the purpose of this By-law:

Person - shall mean any individual, corporation, trust, partnership, or association, or other entity.

Water Users or Water Consumers - shall mean all public and private users of the Town's public water system, notwithstanding any person's responsibility for billing purposes for water used at any particular facility.

Enforcement Authority - shall mean the Town's Public Works Department, having responsibility for the operation and maintenance of the water supply, the Police Department, Special Police, and any other locally designated body having police powers.

State of Water Supply Emergency - shall mean a state of water supply emergency declared by the Department of Environmental Protection pursuant to M.G.L. c.21G, §15-17, and c.111 §160 as amended, or by the Governor of Massachusetts.

State of Water Supply Conservation - shall mean State of Water Supply Conservation declared by the Town pursuant to Section 44.4 of this By-Law.

Section 44.4 Public Notification of State of Water Supply Emergency and / or State of Water Supply Conservation

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Emergency or State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation.

Any restriction imposed under Section 44.6 of this By-Law shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 44.5 State of Water Supply Emergency

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

Notification of any provision, restriction, requirement, or condition with which users of water supplied by the Town are required to comply to abate a situation of water emergency shall be in accordance with Section 44.4 of this By-Law.

Section 44.6 State of Water Supply Conservation

The Town, through its Select Board, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under Section 44.6 of this By-Law before it may be enforced.

A declaration of a State of Water Supply Conservation may include one or more of the following conservation measures, as well as others included within the Town's Water Use Regulations, limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 44.6.

Section 44.6.1 Water Conservation Measures:

Odd/Even House Number Outdoor Watering: Outdoor watering may be restricted to alternate days to be determined by whether the house number is odd or even

Outdoor Watering Ban: Outdoor watering is prohibited.

Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.

Filling Swimming Pools: Filling of swimming pools is restricted or prohibited.

Automatic Sprinkler Use: The use of automatic sprinkler systems in automatic or manual mode is restricted or prohibited.

Section 44.6.2 Termination of State of Water Supply Conservation:

A State of Water Supply Conservation may be terminated by a majority vote of the Select Board, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by Section 44.4.

Section 44.7 Penalty

Any person or entity who violates this By-Law, shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation. Fines shall be recovered by indictment or on complaint before the District Court or by non-criminal disposition in accordance with section 21D of Chapter 40 of the General Laws and in accordance with Article 10, Section 4, "Non Criminal Complaint" of the Town's General By-Laws. Each separate instance of noncompliance following the issuance of any warning or citation pursuant to this section shall constitute a separate violation.

Section 44.8 Enforcing Agents

The Public Works Department and Police Department, shall be authorized to enforce this By-Law.

Section 44.9 Right of Entry

Agents of the Enforcement authority may enter any property for the purpose of inspecting or investigating any violation of this By-law or enforcing against the same, to the extent permissible by law.

Section 44.10 Severability

If any portion or provision of this bylaw is determined by a court of competent jurisdiction to be invalid then it is the intent of this bylaw that the remaining provisions shall continue in full force and effect.

Section 45. Bicycles/ Skateboards / Rollerblades

No person shall operate a bicycle, skateboard, or rollerblades on any sidewalk within a business district, or upon any municipal property within the business district or any other commercially zoned area, unless otherwise authorized. All operators of bicycles, skateboards, or rollerblades on the public roadway shall ride in a single file with the flow of vehicular traffic. The operator of a bicycle shall not carry another person on said bicycle, except a tandem built bicycle or when said bicycle is equipped with a baby seat, provided that such seat is equipped with a harness. The operator of a bicycle shall not park his/her bike on a sidewalk, or roadway within the Town in such a manner that it would obstruct vehicular or pedestrian traffic. The operator of a bicycle, skateboard, or rollerblades shall not permit their device to be drawn by any other type of moving vehicle within the Town.

Section 46. Public Parks and Certain Municipal Properties

1. No person shall enter upon any Town Park before daylight or past any posted hour noting the park's closure. The Select Board or its designee may approve the use of any park for functions past the hours of closure. At the discretion of the Select Board, access to other municipally owned properties may be similarly restricted and posted with appropriate signs.
2. No person shall operate a motor vehicle on any park land, without the express permission of the Executive Assistant or his designee, except on a road designated for such operation. No vehicle shall, at any time, travel on any such road at a speed in excess of 15 miles per hour unless otherwise posted. Motor vehicles are prohibited from parking in any area of the parks except those areas designated for such purposes. Snowmobiles, dirt bikes, go-carts, minibikes, all-terrain vehicles and other recreational vehicles are prohibited in all parks.
3. Bicycles, skateboards, rollerblades, skates and the like may be restricted from any park or municipally owned property at the discretion of the Select Board.

Section 47. Door to Door Soliciting and Canvassing

47.1 Purpose

This by-law adopted pursuant to Chapter 43B, Section 13, of the General Laws and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements and specific operational requirements for persons intending to engage in door-to-door canvassing or solicitation in the Town of Hudson in order to protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and, to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

47.2 Definitions

For the purpose of this By-law, the following definitions shall apply:

47.2.1 "Soliciting" shall mean and include any one or more of the following door-to-door activities:

- (a) selling, or seeking to obtain orders for the purchase of goods or services, including advertising in any type of publication, for any kind of consideration whatsoever;
- (b) selling, or seeking to obtain prospective customers for application for purchase of insurance of any kind.
- (c) selling, or seeking to sell subscriptions to books, magazines, periodicals, newspapers or any other type of publication;
- (d) seeking to obtain gifts or contributions of money, or any valuable thing for the support or benefit of any association, organization, corporation or project wholly or in part for commercial purposes or by a professional solicitor or commercial co-venturer for a charitable or other non-commercial organization; and
- (e) seeking to obtain information on the background, occupation, economic status, political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly, or in part, for commercial purposes.

47.2.2 "Canvassing" shall mean and include any one or more of the following door-to-door activities:

- (a) person-to-person distribution of literature, periodicals, or other printed materials for commercial purposes, but shall not include placing or dropping off printed materials on the premises;
- (b) seeking to enlist membership in any organization for commercial purposes; and
- (c) seeking to present, in person, organizational information for commercial purposes.

47.2.3 "Residence" *shall mean and include* every individual dwelling unit occupied for residential purposes by one or more persons.

47.2.4 "Registered solicitor" shall mean any person who has obtained a valid certificate of registration from the Town as required by this By-Law.

47.2.5 "Charitable organization," "Professional solicitor" and "commercial co-venturer" shall be defined as set forth in Chapter 68, Section 18, of the General Laws.

47.3 Registration

Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of Hudson must apply for a permit with the Chief of Police by filing a registration application form with the Hudson Police Department. Applications for both individual and organizational registrations shall be filed at least seven (7) business days in advance.

47.3.1 ORGANIZATION APPLICATION FORMS shall include the following information:

- (a) The name and address of the organization applying for registration, and the names and addresses of the organizations' principal officers. If the organization is a charitable organization, a certification that the most recent Annual Registration Statement required to be filed with the Attorney General's Division of Public Charities has been so filed. If the organization is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon;
- (b) The name, title and phone number, IRS or Social Security (optional) number and valid driver's license or other government-issued photo identification of the persons filing the application form;
- (c) The names, addresses and phone numbers of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Hudson;
- (d) A list of the names, addresses, dates of birth of all individuals who will be employed in solicitation or canvassing, in the Town of Hudson, by the applicant;
- (e) Period of time for which certificate of registration is needed provided, however, that no certificate may be granted for longer than a 90-day period;
- (f) Names of the last three communities, if any, in which the organization has conducted a solicitation or canvassing operation, complete with the date issued and date expired; and
- (g) Insurance information and license, if applicable.

47.3.2 Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under Section 47.3.1 hereof. Individual registration forms shall contain the following information:

- (a) Name and address of the present place of residence and length of residence at that address; if less than three years residence at present address, the address of residence(s) during the past three years;
- (b) Date of birth;
- (c) Name, address and telephone number of the person or organizations whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization. If the individual is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract, if any, with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon;
- (d) Period of time for which certificate of registration is needed provided, however, that no certificate may be granted for longer than a 90-day period;
- (e) Name of the last three communities, if any, in which the applicant has solicited or canvassed door-to-door, complete with the date of issue and expiration date;
- (f) Valid driver's license or other government issued photo identification; and
- (g) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

47.4 Registration Fee

There shall be a \$100.00 application fee for an individual registration card or re-registration. There is no application fee for organizational applicants that apply for registration or re-registration.

47.5 Registration Cards

47.5.1 The Police Chief or his designee, after a review, but in no event more than seven (7) business days after receipt of a fully-completed application, shall furnish each person with a registration card which shall contain the following information:

- (a) The name of the person;
- (b) A recent photograph of the person;
- (c) The name of the organization, if any, which the person represents;
- (d) A statement that the individual has been registered with the Town of Hudson Police Department but that registration is not an endorsement of any individual or organization; and
- (e) Specific dates or period of time covered by the registration.

47.5.2 Persons engaged in solicitation or canvassing as defined in this By-Law must carry the registration card while soliciting or canvassing and present the card to any person solicited or upon the request of any police officer.

47.5.3 Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days.

47.5.4 The Police Chief shall routinely grant registrations without further inquiry but shall refuse registration to an organization or an individual whose registration has been revoked for violation of this By-Law within the previous two-year period or who has been convicted¹ of murder/manslaughter, rape or any other sex crime, kidnapping, robbery, arson, burglary/breaking and entering, felony assault, illegal possession of a firearm or dangerous weapon distribution of any illegal narcotic drugs, felony larceny, three (3) or more misdemeanor assaults or three (3) or more misdemeanor larcenies, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief shall also refuse to register a person who is a sex offender required to register with the Massachusetts Sex Offenders Registry Board, or any other similar governmental entity, and who is classified or considered to be at a moderate to high risk of re-offending. Such individuals pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes.

47.6 Exceptions

¹ For the purposes of this By-Law, a "Continued without a finding" or other similar disposition will be considered the same as a conviction.

47.6.1 Registration shall not be required for officers or employees of the Town, County, State or Federal governments when on official business.

47.6.2 Individual registration shall not be required for minors under the age of 17.

47.6.3 Nothing in this By-Law shall be construed to impose any registration requirement or otherwise restrict or in any way regulate any activity for religious, political, newspaper distribution or public policy purposes or other non-commercial purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting or canvassing.

47.7 Duties of Persons Going Door-to-Door

47.7.1 Upon going into any residential premises in the Town of Hudson, every solicitor, canvasser or other person must first examine any notice that may be posted prohibiting solicitation or other activities. If such a notice is posted, the solicitor, canvasser or other person shall immediately and peacefully depart from the premises.

47.7.2 Any solicitor, canvasser or other person who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

47.7.3 Immediately upon gaining entrance to any residence, each solicitor or canvasser as defined in this By-Law must do the following:

- (a) Present his registration card for inspection by the occupant;
- (b) Request that the occupant read the registration card; and
- (c) Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization.

47.8 Restrictions on Methods of Solicitation, Canvassing, or Other Door-to-Door Activities

It shall be unlawful for a solicitor, canvasser or other person to do any of the following:

- (a) Falsely represent, directly or by implication, that the solicitation, canvassing or other activity is being done on behalf of a governmental organization, or on behalf of any municipal employee or elected official;
- (b) Solicit, canvass or conduct any other activity at any residence where there is a posted sign prohibiting the same, without express prior permission of an occupant;
- (c) Solicit, canvass or conduct any other activity at any residence without express prior permission of an occupant, before 9:00 a.m. or after 7:00 p.m., where there is no sign posted otherwise limiting solicitation or the hours of solicitation or such other activities;
- (d) Continue to solicit, canvass or conduct activities after being advised by police of the registration requirements or after a registration certificate has been revoked or denied;
- (e) Utilize any form of endorsement from any department head currently employed or serving the Town of Hudson; and
- (f) Solicit, canvass or conduct any other activity at any residence in an illegal fashion.

47.9 Penalty

47.9.1 Any person or organization who violates Sections 47.7.2, with an accompanying signed statement of the offended party, or 47.8 of this By-Law, or any other applicable state or federal laws may be arrested and punished by a fine of two hundred dollars (\$200) for each and every offense, in accordance with Article X, Section 3 of the By-Laws of the Town of Hudson.

47.9.2 Any person or organization who for himself, itself, or through its agents, servants or employees is found after investigation by a police officer to have:

(a) violated any provision of this By-Law, or any applicable state or federal laws governing soliciting or canvassing; or

(b) knowingly provided false information on the registration application shall have his, her or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

47.10 Appeals

Any person or organization who is denied registration or whose registration has been revoked may appeal by filing a written notice of appeal with the Select Board. Such appeal must be filed within 5 days after receipt of the notice of denial or revocation. The Select Board shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Select Board fails to make a determination within 30 days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

47.11 Severability

Invalidity of any individual provision of this By-Law shall not affect the validity of the By-Law as a whole.

Section 48 - Prohibition of motorized vehicles on the Assabet River Rail Trail

No person shall operate any type of motorized vehicle upon Town of Hudson property described generally as the Assabet River Rail Trail. For this section, "motorized" is described as any vehicle powered by an internal combustion engine and/or an electric motor. The following vehicles will be exempt from the provisions of this By-Law:

Duly authorized emergency vehicles

Motorized wheelchairs and similar devices used by handicapped persons

Duly authorized landscaping and maintenance equipment

Police officers are authorized to remove and or tow, at the owner's expense, any motorized vehicle operated in violation of this by-law.

Section 49 - Public Consumption of Marijuana or Tetrahydrocannabinol

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by non-criminal disposition pursuant to G.L. c. 40, § 21D, by any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

Section 50 - Removal and Placement of Snow from Private Property

No person, nor entity, nor any agent, assignee, employee, contractor or servant of any such person or entity shall displace or remove snow or ice from private property so as to cause it to be placed, deposited or dumped upon any portion of the Town's street, ways, sidewalks or real property.

Whoever violates the provisions of the By-Law shall be punished by a fine of fifty (\$50.00) Dollars.

Section 51 Fingerprint-Based Criminal Record Background Authorization

51.1 Purpose and authorization.

In Order to protect the health, safety and welfare of the Inhabitants of the Town of Hudson, and as authorized by Massachusetts General Laws Chapter 6, Section 172B ½, this By-Law shall require a) applicants for certain Town licenses permitting the engagement in specific occupational activities within the Town, as enumerated in Subsection 51.2 below, to submit to fingerprinting by the Hudson Police Department; b) the Police Department to conduct criminal record background checks based on such fingerprints; and, c) the Town to consider the results of such background checks in determining whether or not to grant a license.

The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), as may be applicable, to conduct, on behalf of the Town and its Police Department, fingerprint-based State and National criminal records background checks, including FBI records, consistent with this By-Law. The Town further authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with the provisions of this By-Law. The State and FBI criminal history will not be disseminated to unauthorized entities.

51.2 Applicant's Submission to Fingerprinting by the Hudson Police Department

Any applicant for a license to engage in any of the following occupational activities within the Town shall submit a full set of fingerprints taken by the Hudson Police Department within ten (10) days of the date of the application for a license for the purpose of conducting state and national criminal record background check to determine the suitability of the applicant for the license:

- * Hawking and Peddling or other Door-to-Door Salespeople (Licensing Authority Police Department)
- * Ice Cream Truck Vendors (Licensing Authority Police Department)

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's FBI criminal history records. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which has issued an Informational Bulletin which explains the requirements for town By-Laws and the procedures for obtaining criminal history information, to see if there have been any updates to be sure the Town remains in compliance.

51.3 Police Department Processing of Fingerprint-Based Criminal Background Checks

Upon receipt of the fingerprints and appropriate fees, the Police Department shall transmit fingerprints it has obtained pursuant to Section 51.2 of this By-Law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice, DCJIS, and/or the Federal Bureau of Investigations (FBI), or successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in Subsection 51.2.

The Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based criminal record background check and supply the applicant the opportunity to complete or challenge the accuracy of the information contained in it, including information contained in the FBI identification record. The Police Department shall also supply applicants with information regarding the procedures for obtaining any change, correction, or updating of a criminal record, including a copy of 28 C.F.R. Part 16.34 pertaining to FBI identification records. The Police Department shall not utilize the fingerprint-based criminal record background check pursuant to the paragraph below until it has taken the steps detailed in this paragraph and otherwise complied with the Town's policy applicable to Town licensing-related criminal record background checks.

51.4 Reporting

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the applicable licensing authority within the Town. The Police Department shall, in addition, render to the licensing authority its evaluation of the applicant's suitability for the proposed occupational activity based upon the results of the criminal records background check and any other relevant information known to it. In rendering its evaluation, the Police Department should consider all applicable laws, regulations and Town policies bearing on applicant's suitability. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability or any felony or misdemeanor that involved force or threat of force.

51.5. Reliance on Results of Fingerprint-Based Criminal Record Background Checks

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the

checks in connection with the license applications specified in Subsection 51.2. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination. The licensing authority shall not deny a license based on information in a criminal record unless the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.

51.6 Compliance with Law, Regulation and Town Policy

Implementation of this By-Law and the conducting of fingerprint-based criminal record background checks by the Town shall be in accordance with all applicable laws, regulations, and Town policies, including, but not limited to, the Town's policy applicable to licensing-related criminal record background checks which shall include record retention and confidentiality requirements. The Town shall not disseminate the results of fingerprint-based criminal record background checks except as may be provided by law, regulation and Town policy. The Town shall not disseminate criminal record information received from the FBI to unauthorized persons or entities.

51.7 Promulgation of Regulations

The Select Board is authorized to promulgate regulations for the implementation of the proposed By-Law, but in doing so, they consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database, and other applicable state laws.

51.8 Use of Criminal Record by Licensing Authorities

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this By-Law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this By-Law.

51.9 Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be fifty dollars (\$50). A portion of the fee, as specified in Mass. General Laws Chapter 6, Section 172B ½, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

Section 52 Stormwater Utility

SECTION 1.0 GENERAL PROVISIONS

1.1. Title

This By-Law shall be known as the Stormwater Utility By-Law of the Town of Hudson, Massachusetts, hereinafter referred to as "this by-law."

1.2. Responsibility for Administration

The Select Board (the "Board") shall administer, implement, and enforce this by-law unless otherwise provided in this by-law. Any powers granted to, or duties imposed upon the Board may be delegated in writing by the Board to its employees or agents.

1.3. Purpose

The Select Board shall administer the stormwater management program of the Town. It shall be funded by revenue collected through the Stormwater Utility fee and such other revenue as may, from time to time, be appropriated. The stormwater management program is designed to promote the health and safety of the public, to protect property from flooding and the damage caused by stormwater runoff, to protect and manage water quality by controlling the level of pollutants in stormwater runoff and the flow of water as conveyed by manmade and by natural stormwater management systems and facilities, and to meet state and federal regulatory requirements under the National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) General Permit.

SECTION 2.0 AUTHORITY

This by-law is adopted in accordance with the authority granted, inter alia, by Amendment Article 89 to Article II of the Massachusetts Constitution (the Home Rule Amendment), Section 16 of Chapter 83 of the General Laws of the Commonwealth of Massachusetts and such other powers as granted to towns in the said General Laws.

SECTION 3.0 DEFINITIONS

The following words, terms and phrases, when used in this by-law, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Credit* means a reduction in the amount of a Stormwater Utility fee charged to the owner of a particular property where that property owner owns, maintains and operates on-site or off-site stormwater management systems or facilities, or provides services or activities that reduce or mitigate the Town's cost of providing stormwater management services, in accordance with the Town's approved credit policy.
- (2) *Developable* shall mean a parcel of land, as designated by the Board of Assessors or other local jurisdictional authority, that can be altered from its natural state to include impervious surface area.

- (3) *Developed* means property altered from its natural state by construction or installation of greater than or equal to five hundred (500) square feet of impervious surfaces.
- (4) *Drainage system* shall mean natural and manmade channels, swales, ditches, swamps, rivers, streams, creeks, wetlands, branches, reservoirs, ponds, drainage ways, inlets, catch basins, gutters, pipes, culverts, bridges, head walls, storm sewers, lakes, and other physical works, properties, and improvements that transfer, control, convey or otherwise influence the movement of stormwater runoff.
- (5) *General Laws* means the General Laws of the Commonwealth of Massachusetts.
- (6) *Impervious surface* includes any material or structure on below or above the ground that prevents water infiltrating the underlying soil. Impervious surfaces include, without limitation, roads, sidewalks, paved parking lots, driveways, rooftops, buildings or structures, artificial turf, compacted gravel or soil traveled ways, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.
- (7) *Stormwater* is surface water that results from precipitation and that travels over natural or developed land surfaces to discharge into a drainage system or surface water body. Stormwater includes stormwater runoff, snow melt runoff, and surface water runoff and drainage.
- (8) *Stormwater management services* mean all services provided by the Town which relate to the:
- Transfer, control, conveyance or movement of stormwater runoff through the Town;
 - Maintenance, repair and replacement of stormwater management systems and facilities owned, controlled, or maintained by the Town;
 - Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs;
 - Regulation, oversight, and enforcement of the use of stormwater management services, systems and facilities; and
 - Compliance with applicable State and Federal stormwater management regulations and permit requirements including, but not limited to, public education and outreach. Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.
- (9) *Stormwater management systems and facilities* mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, culverts and bridges, headwalls, storm sewers, outfalls and other physical works, properties and improvements which transfer, control, convey, detain, retain, treat or otherwise influence the movement of stormwater runoff.
- (10) *Stormwater Utility fee* means the periodic user fee imposed pursuant to this by-law by the Town of Hudson which will be dedicated to the provision of public stormwater management services.
- (11) *Undevelopable land* is all land including crops, forest land, pasture, conservation or recreation as designated by the Assessor.
- (12) *Undeveloped land* shall mean all land that is not altered from its natural state to an extent that results in greater than five hundred (500) square feet of impervious surface area.

**SECTION 4.0 STORMWATER UTILITY FEE AND ENTERPRISE FUND ESTABLISHED;
BILLING; DEPOSIT TO STORMWATER ENTERPRISE FUND**

- (a) Pursuant to Section 16 of Chapter 83 of the General Laws, the Town hereby establishes a charge for the use of the stormwater management services of the Town to be known as the Stormwater Utility fee. Stormwater charges shall be established such that they will provide sufficient funds, proportionately calculated and assessed, to construct, operate, maintain, and regulate the stormwater management systems and facilities in the Town of Hudson.
- (b) The Stormwater Utility fee is assessed to each developed parcel, whether occupied or not. The fee shall be calculated on an annual basis and billed to the record title owner of the property.
- (c) The Town shall establish a dedicated Stormwater Enterprise Fund in the Town budget and an accounting system for the purpose of managing all funds collected for the purposes and responsibilities of the stormwater program. All revenues and receipts of the Stormwater Utility shall be placed in the Stormwater Enterprise Fund, which shall be separate from all other funds, and only expenses of the stormwater program shall be paid by the fund as provided in G.L. c.44,s. 53 F1/2.
- (d) Expenditure of funds may consider both stormwater quality and quantity management needs, and can be used as described in Section 7.0.
- (e) The Director of Public Works under the general supervision of the Select Board, shall within forty-five (45) days after the close of each fiscal year, prepare an annual report of the change in cash balances which shall detail the cash receipts and disbursements for the year and which shall be submitted to the Executive Assistant and Select Board.

SECTION 5.0 RATES

- (a) The Select Board shall establish reasonable rates for the cost of administering and implementing the stormwater management program of the Town. The initial rates, and any later modifications, shall be based upon recommendation of staff and shall be set by the adoption of a Stormwater Fee Schedule by vote of the Select Board. The schedule of said rates shall be on file in the office of the Town Clerk of the Town of Hudson.
- (b) The billing rate structure shall consist of the following based on the square feet of impervious area on a developed parcel, which is derived from a Town-wide analysis of impervious area where the median or typical single-family residential property has approximately 3,400 square feet of impervious area:
 - (1) Single-family residential properties with 500 - 5,000 square feet of impervious area = one billing unit
 - (2) Single-family residential properties with 5,001 - 10,000 square feet of impervious area = 1.5 billing units
 - (3) Non-single-family residential properties = one billing unit per 3,400 square feet of impervious area (minimum one billing unit)
 - (4) Billing units for single-family residential properties with >10,000 square feet of impervious area are calculated as non-single-family residential properties.

- (5) All other developed properties: one billing unit per 3,400 square feet of impervious area are calculated as non-single family residential properties.
- (c) Impervious area per parcel is determined by the Town of Hudson by utilizing available GIS data layers to calculate the area of building footprints, building structures, driveways, pathways, pools, sport courts, and parking areas. Any impervious areas within the town-owned right-of-way will not be attributed to the parcel and will not be considered as part of the total impervious area of the parcel.

SECTION 6.0 SCOPE OF RESPONSIBILITY FOR STORMWATER MANAGEMENT SYSTEMS AND FACILITIES

- (a) The Town owns or otherwise has rights which allow it to operate, maintain, improve and access those stormwater management systems and facilities which are located:
 - (1) Within public road rights-of-way;
 - (2) On private property but within easements granted to, and accepted by, the Town of Hudson, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or such other lawful means to allow for operation, maintenance, improvement and access to the stormwater management system facilities located thereon; and
 - (3) On public land which is owned by the Town and/or land of another governmental entity upon which the Town has agreements providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon.
- (b) Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the Town, and for which the Town lacks a lawful right of entry, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by state and federal laws and regulations.

SECTION 7.0 PURPOSES OF THE STORMWATER UTILITY FUND

Receipts from the Stormwater Utility fee, to the extent consistent with G.L. c. 44, s. 53 F1/2, shall be used for the following purposes:

- (a) The acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate, and maintain stormwater management systems and facilities;
- (b) All costs of administration and implementation of the stormwater management program, including the cost of labor and equipment attributable to the stormwater management program and the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;
- (c) Payment on principal and interest on debt obligations;

- (d) Engineering and design, debt service and related financing expenses, construction costs for new facilities (including costs for contracted services) and enlargement or improvement or existing facilities;
- (e) Operation and maintenance of the stormwater system, including catch basin cleaning, ditch maintenance, street sweeping, pipe repairs, and stormwater facility repairs;
- (f) Capital investments including stormwater best management practices (BMPs) and components (e.g., purchase of plants, soils, and other amenities to support stormwater management alternatives utilizing vegetation);
- (g) Illicit discharge detection and elimination;
- (h) Monitoring, surveillance, and inspection of stormwater control devices;
- (i) Water quality monitoring and water quality programs;
- (j) Retrofitting developed areas for pollution control;
- (k) Inspection and enforcement activities;
- (l) Billing and related administrative costs; and
- (m) Other activities which are reasonably necessary, including costs related to regulatory compliance.

SECTION 8.0 STORMWATER UTILITY FEE EXEMPTIONS

- (a) The Town of Hudson finds that all developed property in the Town contributes to runoff and either uses or benefits from the maintenance of the stormwater system. Therefore, except as provided in this section or otherwise provided by law, no developed public or private property located in the Town of Hudson shall be exempt from the Stormwater Utility fee charges. No exception, credit, offset, or other reduction in stormwater utility fee charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the cost of providing stormwater management services and facilities.
- (b) The Town establishes exemptions to the Stormwater Utility fee as follows:
 - (1) Undevelopable land.
 - (2) Railroad rights-of-way (tracks). However, railroad stations, maintenance buildings, and/or other developed property used for railroad purposes shall not be exempt from Stormwater Utility fee charges.
 - (3) Public streets, highways, rights-of-way, and Town owned properties. All other State, Federal, and County properties are subject to the user fee charges on the same basis as private properties.

SECTION 9.0 STORMWATER UTILITY FEE CREDITS

- (a) The Director of Public Works or his or her designee (the "Director") (or their designee) is hereby authorized to grant credits to property owners to be applied against the Stormwater Utility fee based on the technical and procedural criteria set forth in the Stormwater Utility Credit Manual (Credit Manual) to be developed, maintained and, from time to time, amended by the Board. The Credit Manual shall be implemented during the first year of the

Stormwater Utility and shall be available for inspection by the public at the Department of Public Works.

- (b) The percentages for credits shall reflect the extent to which the subject properties reduce the peak rate of runoff from the property, or avoid other costs incurred by the stormwater management program in the delivery of services, and shall be approved by the Board (or their designee). The maximum possible credit for properties shall be detailed in the Credit Manual.
- (c) Any credit allowed against the Stormwater Utility fee is conditioned on continuing compliance with the Town's design and performance standards as stated in the Credit Manual and/or upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. The Board or Director may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Credit Manual or this by-law.
- (d) In order to obtain a credit, the property owner must make application to the Town on forms provided by the Town for such purpose. The forms are to be fully completed in accordance with the procedures outlined in the Credit Manual.
- (e) When an application for a credit is deemed complete by the Director, the Director may either grant the credit in whole, grant the credit in part, or deny the credit. Credits applied for by the property owner and granted in whole or in part, shall apply to all Stormwater Utility fees in accordance with the terms defined in the Credit Manual.

SECTION 10.0 STORMWATER UTILITY FEE BILLING, DELINQUENCIES, COLLECTIONS AND ABATEMENTS

- (a) Failure to receive a Stormwater Utility bill is not justification for non-payment. The property owner, shall be obligated to pay the appropriate Stormwater Utility fee for that property. If a property is unbilled, or if no bill is sent for a particular parcel of developed land, the Town may back bill for the fees as applicable for a period not to exceed six years of charges, but no late fees or delinquency charges of any kind shall be charged or recovered from any property owner so back billed.
- (b) Stormwater Utility bills shall be committed to the Treasurer/Collector or Director of Public Works (or their designee) for collection. The Treasurer/Collector shall notify the Board (or their designee) of the amounts collected, and shall keep records of all paid and unpaid Stormwater Utility bills.
- (c) In any case of nonpayment of a Stormwater Utility bill for thirty (30) days after the same is due, the Treasurer/Collector shall send a notice to the delinquent, and shall inform the Board (or their designee) in writing that such notice has been sent.
- (d) In accordance with Sections 16A through 16F of Chapter 83 of the General Laws, charges for the Stormwater Utility fee, together with interest thereon and costs relative thereto, shall be a lien upon the real estate for which the charge was billed. Such lien shall take effect by operation of law on the day immediately following the due date of such charge and, unless dissolved by payment or abatement, shall continue until such charge has been added to or committed as a tax in accordance with the requirements of Section 16C of Chapter 83 of the General Laws, and thereafter, unless so dissolved, shall continue as provided in

Section 37 of Chapter 60 of the said General Laws.

- (e) In addition to the method of collection specified in Sections 16A through 16F of the General Laws, the overdue charge may be collected through any other lawful means.
- (f) In the event that a property owner believes the Stormwater Utility fee is improperly calculated or is otherwise incorrect, the property owner may, within thirty (30) days from the date of issuance of the Stormwater Utility bill, and after payment of the bill in full, apply to the Director of Public Works for an abatement. The Director of Public Works shall have sixty (60) days to consider the request for abatement and render a written decision which may deny the abatement, grant the abatement in full or grant the abatement in part.

SECTION 11.0 APPEALS AND HEARINGS

In the event that a property owner is aggrieved by a written decision of the Director denying an application for abatement in whole or in part, or denying an application for a credit, in whole or in part, the property owner shall have thirty (30) days from the date of the written decision to file an appeal to the Board. The appeal shall be in writing and shall specify the grounds thereof. Upon the filing of the notice of appeal, the Board shall make available all documents constituting the record upon which the particular decision was made. The Board shall set a date for hearing which shall be within ninety (90) days of the date of the filing of the appeal and notice thereof setting forth the place, date and time of hearing shall be sent to the property owner no less than ten (10) days prior to the hearing date. The Board shall render a written decision within thirty (30) days of the conclusion of the hearing affirming the action or reversing the action. If reversing the denial of an abatement, the decision shall specify the sum to be abated, which shall not exceed the amounts paid. If reversing the denial of a credit, the decision shall specify the credit to be applied prospectively against future charges unless the property owner has paid the full amount of the Stormwater Utility fee as charged and has also requested an abatement.

SECTION 12.0 SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of this by-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

SECTION 13.0 EFFECTIVE DATE

To be inserted upon by-law approval of the Attorney General.
Or take any other action relative thereto.

ARTICLE VII HAZARDOUS MATERIALS/HAZARDOUS WASTE BY-LAW

Section 1: Authority

This Bylaw is adopted by the Town under its home rule powers, its police powers to protect the public health and welfare, and its authorization under Mass. Gen. Laws, Ch. 42, S21.

Section 2: Purpose

The purpose of this Bylaw is to protect, preserve, and maintain the existing and potential groundwater supply, groundwater discharge areas, and surface water within the town from contamination with hazardous materials.

Section 3: Definitions

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

Section 3.1

“Hazardous material” means a product or waste, or combination of substances which, because of quantity, concentration, or physical, or chemical, or infectious characteristics, poses in the Board of Health’s judgment a substantial present or potential hazard to the human health, safety, or welfare, or the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. Any substance deemed a hazardous waste in Mass. Gen. Laws, Ch. 21C, shall also be deemed a hazardous material for the purpose of this Bylaw.

Section 3.2

“Discharge” means the disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Section 4. Registration

Section 4.1

Every owner or operator of a commercial or industrial establishment (including home occupations) storing hazardous materials in quantities totaling more than fifty gallons liquid volume or twenty-five pounds dry weight shall register with the Board of Health the types, quantities, location, and method of storage of said hazardous materials. Registration required by this provision shall be initially submitted by May 1, 1982 and annually thereafter within thirty days of May 1st each year.

Section 4.2

Owners or operators of commercial or industrial establishments who have not previously registered in accordance with Subsection 4.1 shall, if they meet registration requirement, register initially within thirty days of meeting such requirements and thereafter within thirty days of May 1st each year.

Section 4.3

In addition to registration, owners or operators of commercial or industrial establishments registered in accordance with Subsections 4.1 and 4.2 shall maintain on the premises an inventory, reconciled on a monthly basis, of purchase, use, sale, and disposal of hazardous

materials. The purpose of this account is to detect any product loss and to provide an ongoing record of all quantities of hazardous materials within the town over the registration threshold.

Section 4.4

Upon the request of the Board of Health, owners or operators shall produce within twenty-four hours the latest reconciled inventory.

Section 4.5 Hazardous Wastes Generally

Wastes containing hazardous materials shall be held on the premises in product-tight containers for removal by a licensed carrier and for disposal in accordance with the Massachusetts Hazardous Waste Management Act, Mass. Gen. Laws, Ch. 21C.

Section 4.6 Aboveground Storage of Hazardous Waste

Aboveground containers of wastes containing hazardous materials shall be stored on a surface impervious to the material being stored. The storage area shall be enclosed by a permanent dike of impermeable construction. The volume of the area enclosed by the dike shall be equal to or greater than the capacity of the containers within the dike.

Section 5. Underground Storage

The following provisions shall apply to all underground liquid hazardous material storage systems with capacities of 55 gallons or greater.

Section 5.1 {Filing with Board of Health}

Owners shall file with the Board of Health the size, type, age, and location of each tank, and the type of hazardous material stored in each, on or before May 1, 1982. Evidence of date of purchase and installation, including Fire Department permit, if any, shall be included along with a sketch map showing the location of such tanks on the property.

Section 5.2 Installation Date

Owners of tanks for which evidence of installation date is not available shall, at the order of the Board of Health, have such tank systems tested. If either the Board of Health or the Head of the Fire Department determines that the tank is not product tight, it shall be disposed of under the direction of the Board of Health or the Head of the Fire Department.

Section 5.3 {Testing of Tanks}

All tanks shall be subject to one of the following tests 15 years after installation and annually after 20 years or if evidence of installation date is not available: a five-pounds per square inch air pressure test performed on a empty tank, or a Kent-Moore Pressure test, or any other testing system approved in advance by the Board of Health or the Head of the Fire Department. Certification of testing shall be submitted to the Board of Health and the Head of the Fire

Department. Any tanks failing the test shall be disposed of under the direction of the Board of Health or the Head of the Fire Department.

Section 5.4 {Corrosion Protection}

Newly installed tanks shall be protected from internal and external corrosion and shall be of a design approved by the Board of Health and the Head of the Fire Department. The following tank construction systems are considered to provide adequate corrosion protection; all fiberglass construction steel with bonded fiberglass and internal lining; the Steel Tank Institute 3-Way Protection System; and such other tank construction systems as the Board of Health and the Head of the Fire Department shall approve.

Section 6. {Provisions}

The following provisions apply to all underground hazardous material storage systems of any capacity.

Section 6.1 {Leaking Tanks}

All leaking tanks must be emptied by the owner or operator within twelve hours of leak detection and removed by the owner or operator in a time period to be determined by the Board of Health.

Section 6.2 {Regulations}

Tank installations on lots not having a permit prior to adoption of this Bylaw are not permitted within four feet of maximum high water table or within five hundred feet of a surface water body.

Section 7. Variances

The Board of Health may vary the application of any provision of this Bylaw, unless otherwise required by law, in any case when, in its opinion, the applicant has demonstrated that an equivalent degree of environmental protection required under this Bylaw will still be achieved. The applicant at his own expense must notify all abutters by certified mail at least ten days before the Board of Health meeting at which the variance request will be considered. The notification shall state the variance sought and the reasons therefor. Any variance granted by the Board of Health shall be in writing. Any denial of a variance shall also be in writing and shall contain a brief statement of the reasons for the denial.

Section 8. Enforcement

Section 8.1 Protection

All discharges of hazardous material within the town are prohibited.

Section 8.2 Reporting of Discharge

Any person having knowledge of a discharge of hazardous material shall immediately report the discharge to the Board of Health, and if involving flammable or explosive materials, to the Head of the Fire Department.

Section 8.3 Right of Entry

The Board of Health and its agents may enter upon privately owned property for the purpose of performing their duties under this Bylaw.

Section 8.4 Penalty

Any person who violates any provision of the Bylaw shall be punished by a fine of not more than \$200. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. This Bylaw may be enforced pursuant to Mass. Gen. Laws Ch. 40, S21D by a Town police officer or other officer having police powers. Upon request of the Board of Health or the Fire Department, the Select Board and Town Counsel shall take legal action as may be necessary to enforce this bylaw.

Section 9. Fees

Any person registering storage of hazardous materials pursuant to Section 4 shall pay to the Town of Hudson an annual Registration Fee of \$10.00. Such fee shall be due on the same date as the annual registration. Failure to pay shall constitute a violation and shall subject the violator to the penalties of Section 8 of the Bylaw.

The Board of Health may charge for expenses incurred in the enforcement of this Bylaw.

ARTICLE VIII HUDSON HISTORICAL DISTRICT BY-LAW

Section 1: This By-Law shall be known and cited as the Hudson Historic District By-Law and is adopted pursuant to the authority contained in Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended.

Section 2: The purpose of this by-law is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Town of Hudson or architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

Section 3: In accord with the provisions of Chapter 40C of the General Laws there is hereby established an historic district to be known as the "Silas Felton Hudson Historic District" which

district shall be bounded as shown on map entitled "Silas Felton Hudson Historic District 1988" said map being attached to and made a part hereof, and a copy of which is on file in the Town Clerk's Office, as further amended by Article 7 of the Town Meeting held November 19, 2007, a copy of which is also on file in the office of the Town Clerk.

Section 4: In accord with the provisions of Chapter 40C of the General Laws there is hereby established, with all the powers and duties of an Historic District Commission under such statute, , a Hudson Historic District Commission consisting of 5 members who shall be residents of the town and appointed by the Select Board as follows: one member from two nominees submitted by the local historic society of the town; one member from two nominees submitted by the Chapter of American Institute of Architects covering the area; one member from two nominees of the board of realtors covering the town; one resident or owner of property within the historic district established hereunder; and one member appointed from the Planning Board or Conservation Commission. The initial appointments to membership in the Commission shall be as follows: one member appointed for a term of 1 year; two members appointed for a term of 2 years; and two members appointed for a term of three years. Successors shall each be appointed for a term of 3 years. Vacancies shall be filled by appointment for the unexpired term. The commission shall annually elect a chairperson and vice chairperson from within their number and a secretary.

The commission shall further be empowered as follows:

- A. To promulgate regulations pursuant to and in compliance with provisions of the Massachusetts General Laws Chapter 40C so as to carry out the purpose of this by-law;
- B. Subject to appropriation, to employ clerical and technical assistants or consultants and incur other expenses appropriate for carrying out its work and accept monetary gifts and expend the same for such purpose or in the furtherance of any other purpose contained herein;
- C. To administer for the Town any real property or interests in property acquired by the Town for historic protection or preservation;
- D. To carry out all other duties and review responsibilities as contained in Massachusetts General Laws Chapter 40C including but not limited to the requisite comprehensive review for the issuance of Certificate of Appropriateness, Non-applicability or Hardship by the Hudson Historic District Commission as to buildings and structures within the herein before described and referenced district.

Accordingly, any person who desires to obtain a certificate from the Commission shall file with the Commission an application therefore in such form as the Commission may reasonably determine, together with such plans, elevations, specifications, material or other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of the property thereafter as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

Section 5: Notwithstanding anything contained in this by-law to the contrary, the authority of the Commission shall not extend to the review of the following categories of buildings or structures or exterior architectural features in the Hudson Historic District:

- A. Interior arrangements or architectural features not subject to public view:
- B. Ordinary maintenance, repair or replacement or any exterior architectural feature within a district which does not involve a change in design, material, color or outward appearance;
- C. Landscaping with plants, trees or shrubs;
- D. Compliance with requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition;
- E. Construction or alteration under a permit issued by the Building Inspector prior to the effective date hereof;
- F. The following may also be exempted herefrom by written guidelines established from time to time by the Commission, after public hearing, relating to use, location, lighting, removal, and other limitations, and subject also to the limitations of Chapter 40C, Section 8.:
 - 1. Temporary structures and signs used in connection with town or charitable events.
 - 2. Driveways, sidewalks and ramps substantially at grade level;
 - 3. Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, gutters and downspouts;
 - 4. Color of roofing material;
 - 5. One professional sign per residence provided that it is not more than one square foot in area and indirectly illuminated;
 - 6. Reconstruction, substantially similar in exterior design, of a building, structure or architectural feature damaged or destroyed by fire, storm, or other disaster.

Section 6. Any person aggrieved by a determination of the Hudson Historic District Commission may, within twenty days after the filing of the notice of such determination with the Town Clerk file a written request with the Commission for a review by a person or persons of competence and experience in such matters, designated by the regional planning agency of which the Town is a member. The findings of the person or persons making such review shall be filed with the Town Clerk within forty-five days after the request, and shall be binding on the applicant and the Commission, unless a further appeal is sought in the Superior Court as provided in Section 12A of Chapter 40C.

ARTICLE IX - ABATEMENTS FOR ENVIRONMENTAL CLEANUP

Section 1. Authority

This By-Law is adopted by the Town under its home rule powers, and pursuant to the provisions of Massachusetts General Laws Chapter 59 Section 59A, as amended.

Section 2. Purpose

The purpose of this by-law is to encourage the adaptive reuse of abandoned and underutilized industrial and commercially zoned "brownfield" properties by providing the opportunity to execute tax abatement agreements with eligible persons as an incentive to redevelopment.

Section 3. Definitions

For the purpose of this By-Law the following words shall be defined as meaning:

"Brownfield": A property or portion of a property contaminated by a release of oil or hazardous material.

"Eligible Person": An owner or operator of a site or a portion thereof from or at which there is or has been a release of oil or hazardous material who did not cause or contribute to the release of oil or hazardous material from or at the site and did not own or operate the site at the time of the release.

"Hazardous material": Material including but not limited to, any material, in whatever form, which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed.

Section 4. Abatement Agreements

1. The Executive Assistant is hereby authorized to negotiate agreements for the abatement of real estate taxes (hereinafter Abatement Agreements) with eligible persons the terms of which agreements shall be subject to approval by the Select Board.
2. Abatement Agreements may allow for reductions in outstanding taxes, interest, and/or penalties.
3. Abatement Agreements shall include, but not be limited to:
 - a. The amount of outstanding real estate taxes

- b. The percent of interest to accrue if determined applicable by the Executive Assistant.
 - c. The description of regular, quantifiable payments including the inception date of such payments, the frequency of such payments and the date of the final payment.
 - d. The description of any late payment penalties to be imposed.
 - e. Any and all other contractual terms as negotiated by the Executive Assistant and the eligible person.
4. All Abatement Agreements shall be signed by the Chairman of the Select Board and the eligible property owner, whose signatures shall be notarized and attested by the Town Clerk.

Copies of all Abatement Agreements shall be provided to the Massachusetts Department of Environmental Protection, the United States Environmental Protection Agency, and the Massachusetts Commissioner of Revenue.

ARTICLE X STRETCH ENERGY CODE

Section 1. Definitions

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

Section 2. Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

Section 3. Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

Section 4. Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Hudson General Bylaws, Article X.

The Stretch Code is enforceable by the Building Commissioner and is effective as of January 1, 202

ARTICLE XI – SINGLE USE BAG BAN BY-LAW

Section 1. Purpose and Intent

The production and use of single-use checkout bags has significant impacts on the environment, including, but not limited to: contributing to the potential death of marine terrestrial animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection-and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

The purpose of this bylaw is to eliminate the usage of single-use checkout bags by all retail establishments in the Town of Hudson by June 1, 2020, and to promote the use of reusable bags.

Section 2. Definitions

2.1 Recycled paper bag: A paper bag that is (i) 100 percent recyclable; and (ii) contains a minimum of 40 percent postconsumer recycled materials, provided, however, that an 8 pound or smaller recycled paper bag shall contain a minimum of 20 percent postconsumer recycled material; and (iii) displays the words "Recyclable" and "made from 40% post- consumer recycled content" or other applicable amount in a visible manner on the outside of the bag.

2.2 Retail establishment: Any commercial enterprise, defined as the following, whether for or not for profit, including, but not limited to restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores; however, this does not include bazaars operated by nonprofit organizations or religious institutions.

2.3 Reusable bag: A sewn bag with stitched handles that is (i) specifically designed and manufactured for at least 175 uses; (ii) can carry 25 pounds over a distance of 300 feet; and (iii) is made of cloth or other machine-washable fabric other than polyethylene or polyvinyl chloride.

2.4 Single-use checkout bag: A bag made of plastic, paper, or other material that is provided by a store to a customer at the point of sale and that is not a recycled paper bag or a reusable bag. A single-use checkout bag does not include the following: (i) a paper bag provided by a pharmacy to a customer purchasing a prescription medication; (ii) a non-handled bag used to protect items from damaging or contaminating other purchased items placed in a recycled paper bag or a reusable checkout bag; (iii) a bag provided to contain an unwrapped food item; or (iv) a non-handled bag that is designed to be placed over articles of clothing on a hanger.

Section 3. Use Regulations

3.1 A retail establishment shall not provide single-use checkout bags to a customer at the point of sale within the Town of Hudson.

3.2 If a retail establishment provides bags to a consumer at the point of sale, such bags shall be either a recycled paper bag or a reusable bag.

3.3 Customers are encouraged to bring their own reusable bags to stores.

Section 4. Enforcement Process

Enforcement of this bylaw shall be the responsibility of the Executive Assistant or his/her designee. The Executive Assistant or his/her designee shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any retail establishment distributing single-use checkout bags in violation of this bylaw may be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for Enforcement of Town Bylaws under M.G.L Chapter 40, 21D and the Bylaw for Non-Criminal Disposition of Violations. Not more than one fine shall be assessed within a fifteen (15) day period per retail establishment. Any such fines shall be paid to the Town of Hudson within 15 days of receipt.

Bylaw	1st Offense	2nd Offense	3rd & Subsequent
Plastic Bag Reduction Bylaw	Warning	\$50.00	\$200.00

Section 5. Exemptions

The Executive Assistant or his/her designee may exempt a retail establishment from the requirements of this bylaw upon a finding by the Executive Assistant or his/her designee that the requirements of this section would cause undue hardship.

Section 6. Severability

If any provision, section, word, phrase or sentence is determined to be invalid or unenforceable by a Court of competent jurisdiction, then the remaining text of this bylaw shall remain in full force and effect.

ARTICLE XII – Wetlands Protection Bylaw

I. Purpose

The purpose of this Bylaw is to protect the wetlands, water resources, flood prone areas, and adjoining upland areas in the Town of Hudson by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect on Resource Area values, including but not limited to the following: public or private water supply, groundwater supply, flood control, erosion and sedimentation control, storm damage prevention, water quality, prevention and control of pollution, fisheries, shellfisheries, wildlife habitat, rare species habitat including rare plant and animal species, agriculture, aquaculture, recreation values, adaptation to and mitigation of impacts from climate change, and protection of biodiversity, deemed important to the community (collectively, the “Resource Area values protected by this Bylaw”).

II. Statutory Authority

This Bylaw utilizes the Home Rule authority of the Town of Hudson to protect the Resource Areas subject to regulation under the Wetlands Protection Act (*M.G.L. c.131, §40*) (the “Act”) to a greater degree; to protect additional Resource Areas beyond the Act recognized by the Town as significant, beyond those subject to regulation under the Act; to protect all Resource Areas for their additional values beyond those recognized under the Act; and to impose in local regulations and permits additional standards and procedures stricter than those of the Act and its implementing regulations (310 CMR 10.00) (the “Regulations”), subject, however, to the rights and benefits accorded to agricultural uses and structures of all kinds under the laws of the Commonwealth and other relevant bylaws of the Town of Hudson.

III. Jurisdiction

Except as permitted by the Conservation Commission or as provided by this Bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following Resource Areas or their Buffer Zones: any freshwater wetland; vernal pool; marsh; wet meadow; bog; swamp; spring; reservoir; lake; pond of any size; intermittent stream, brook, or creek, regardless of whether the stream, brook or creek is associated with a Resource Area or upgradient of a Resource Area; bank; beach; land under said waters; land subject to flooding; Riverfront Area. Said Resource Areas shall be protected whether or not they border surface waters.

The jurisdiction of this Bylaw shall not extend to activities and structures of agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing agriculture, including work performed for normal maintenance or improvement of land in agricultural or aquacultural uses as defined by the Wetlands Protection Act regulations, found at 310 CMR 10.04

25-foot No Disturb Zone: No work or disturbance, including but not limited to grading and vegetation removal, shall be permitted within twenty-five (25) feet of any Resource Area with the exception of Land Subject to Flooding, unless the applicant provides information and evidence deemed satisfactory by the Commission that the work to be performed sufficiently protects or enhances wetland interests or is otherwise exempted (see “Exemptions and Exceptions”). This area is referred to as the “25-foot No Disturb Zone”. Water related projects such as docks and

retaining walls are exempted from the restrictions of the 25-foot No Disturb Zone and may be permitted through the filing of a Notice of Intent pursuant to §V.

IV. Exemptions and Exceptions

The applications and permits required by this Bylaw shall not be required for the following activities in the 100-foot Buffer Zone or the 200-foot Riverfront Area, (including the 25-foot No Disturb Zone).

- (1) Routine mowing (including river meadows) and maintenance of lawns, gardens, and landscaped areas, in existence on the effective date of this Bylaw or which are created after such date in accordance with the terms of this Bylaw;
- (2) Maintaining and repairing existing buildings and structures provided that the footprint does not expand and that no heavy equipment or excavation is required, and there is no stockpiling within the 25-foot No Disturb Zone;
- (3) Constructing, maintaining, and repairing unpaved pedestrian walkways of three (3) feet in width or less for private use provided there is no use of fill material;
- (4) Maintaining and repairing existing stone walls;
- (5) Maintaining and constructing new fencing provided that: a) it is greater than twenty-five (25) feet from the Resource Area boundary and b) it does not constitute a barrier to wildlife movement (i.e., the fence is greater than four (4) inches from the ground surface);
- (6) Conversion of lawns to uses accessory to residential (single or multifamily) such as decks, sheds, patios, and above-ground pools, provided the activity, including any discharge pipes and any temporary disturbance, is located more than fifty (50) feet from the Resource Area boundary. The conversion of such uses, or other impervious surfaces accessory to existing single-family houses to lawn or natural vegetation is also allowed;
- (7) Activities, such as monitoring wells, exploratory borings, soil sampling, and surveying, that are temporary, have negligible impacts as determined by the Commission, and are necessary for planning and design purposes;
- (8) Planting trees, shrubs, or groundcover (excluding turf lawns) provided they are not considered to be invasive species.
- (9) Pruning of existing vistas and of tree branches or shrubs that pruning does not impact the health of the vegetation;
- (10) Utilities and roads: The applications and permits required by this Bylaw shall not be required for:
 - a) Maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water including wells, sewer, telephone, telegraph, or other telecommunication services, provided that notice has been given to the Commission thirty (30) days prior to commencement of work, and provided that

the work conforms to any performance standards and design specifications in regulations adopted by the Commission.

- b) Maintaining and repairing existing and lawfully located roads (excluding bridges and culverts) provided that:
 - a. There is no increase in impervious surface;
 - b. There is no additional alteration of Resource Areas
 - c. Written notice has been given to the Conservation Commission ten days prior to commencement of work; and
 - d. Erosion and sedimentation controls are used as necessary.
- c) Installation and repair of underground utilities (e.g., electric, gas, water, and sewer) within existing paved or unpaved roadways and private roadways/driveways, provided that all work is conducted within the roadway or driveway and that all trenches are closed at the completion of each workday;
- d) Installation of access road gates at public or private road entrances to existing utility right-of-way access roads and installation of guardrails and other safety features along existing roadways, provided that all vehicles and machinery are located within the roadway surface during work
- e) Vegetation cutting for road safety maintenance, limited to the following:
 - a. Removal of diseased or damaged trees or branches that pose an immediate and substantial threat to driver safety from falling into the roadway;
 - b. Removal of shrubbery or branches to maintain clear guardrails; such removal shall extend no further than six feet from the rear of the guardrail;
 - c. Removal of shrubbery or branches to maintain sight distances at existing intersections; such removal shall be no farther than five feet beyond the "sight triangles" established according to practices set forth in American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets, 2011, 6th edition, and such removal is a minimum of ten feet from a resource area, other than Riverfront Area; and
 - d. Removal of shrubbery, branches, or other vegetation required to maintain the visibility of road signs and signals. Cuttings of shrubs and branches from mature trees will be performed with suitable horticultural equipment and methods that do not further damage the trees. To prevent the possible export of invasive plants, cut vegetation should be chipped and evenly spread on site, provided the chips are spread outside the buffer zone, and raked to a depth not to exceed three inches, clear of all drainage ways. Alternatively, all cuttings and slash shall be removed from the site and properly disposed;
- f) Installation, repair, replacement or removal of signs, signals, sign and signal posts and associated supports, braces, anchors, and foundations along existing paved roadways and their shoulders, provided that work is conducted as far from resource areas as practicable, and is located a minimum of ten feet from a resource area, any excess soil is removed from

the project location, and any disturbed soils are stabilized as appropriate;

- g) Pavement repair, resurfacing, and reclamation of existing roadways within the right-of-way configuration provided that the roadway and shoulders are not widened, no staging or stockpiling of materials, all disturbed road shoulders are stabilized within 72 hours of completion of the resurfacing or reclamation, and no work on the drainage system is performed, other than adjustments and/or repairs to respective structures within the roadway;

(11) Stormwater management systems: The applications and permits required by this Bylaw shall not be required for maintenance of a stormwater control structure or system in existence at the time of adoption of this Bylaw or of one approved in accordance with the stormwater management standards, as provided in the Massachusetts Stormwater Policy. This exemption shall apply provided that the work is limited to maintenance and that said work utilizes best practical measures to avoid and minimize impacts to wetland Resource Areas outside of the footprint of the stormwater management system. Such stormwater management systems may include wetland Resource Areas created solely for the purpose of stormwater management and approved under an Order of Conditions. Stormwater management systems must conform to all local rules and regulations.

(12) Emergency projects: The applications and permits required by this Bylaw shall not be required for emergency projects necessary for the protection of the health and safety of the public, provided that the work is to be performed by, or has been ordered to be performed by, an agency of the Commonwealth or a political subdivision thereof (including the Town of Hudson); provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within twenty-four (24) hours after commencement; provided that the Commission or its agent certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within twenty-one (21) days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this Bylaw. Upon failure to meet these and other applicable 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 what is stated in this Bylaw, the exceptions provided in the Wetlands Protection Act (M.G.L.A. c. 131 § 40) and its regulations (310 CMR 10.00) shall not apply under this Bylaw.

The Conservation Commission may adopt additional exemptions and exceptions within the regulations promulgated pursuant to §VI.

V. Administration

A. Applications

Written application, called a Notice of Intent or NOI, shall be filed with the Conservation Commission to perform activities within or affecting Resource Areas protected by this Bylaw and activities within the 100-foot Buffer Zone. 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 application and plans under this Bylaw any application and plans filed under the Wetlands Protection Act (G.L. Ch. 131 §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 file a Request for Determination of Applicability (RDA) with the Commission, including information and plans as are deemed necessary by the Commission.

B. Administrative Approvals

The following activities may be permissible by administrative approval by the Commission or the Conservation Agent following consultation:

- (1) Removal of dead and dying trees or trees that are deemed to be a hazard to safety or property, as confirmed by the Conservation Agent. Confirmation may require written documentation from a certified arborist;
- (2) Maintaining and constructing new fencing provided that: a) it is greater than five (5) feet from the Resource Area boundary and b) It does not constitute a barrier to wildlife movement (i.e., the fence is greater than four (4) inches from the ground surface

C. Consultant Fees

Pursuant to G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects. Such funds shall be deposited with the Town Treasurer, who shall create an account specifically for this purpose. Additional consultant fees may be requested where the cost or scope of work of the outside consultant is more expensive or extensive than originally determined or where new information requires additional consultant services.

Only costs relating to consultant work done in connection with a project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide the applicant with written notice of the selection of a consultant, that shall include the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. Within ten (10) business days of the date notice is given, the applicant may withdraw the application without incurring any costs or expenses.

The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested consultant fee within ten (10) business days of the request for payment shall be cause for the Commission to declare the application incomplete and lacking in information and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and Department of Environmental Protection (DEP) of such a decision in writing.

The applicant may appeal the selection of an outside consultant to the Select Board, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is

not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received by the Select Board within ten (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

D. Notice and Hearings

Any person filing a Notice of Intent (NOI) application for a permit under the provisions of this Bylaw shall at the same time:

1. Give written notice thereof, by certified mail (return receipt requested), Certificate of Mailing or hand delivery, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 100 feet of the property line of the applicant, including any in another municipality or across a body of water.
2. The notice shall state a brief description of the project or other proposal and the date of any Commission hearing or meeting date if known.
3. The notice to abutters also shall include a copy of the application or request, with plans, or shall state where copies may be examined and obtained.
4. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission prior to opening the hearing.

The Commission shall conduct a public meeting for any RDA and hearing on any NOI and ANRAD with written notice given at the expense of the applicant, at least five business days prior to the hearing, in a newspaper of general circulation in the municipality. The Commission shall commence the public hearing or meeting as required within 21 days from receipt of a completed NOI, RDA, or ANRAD unless an extension is authorized in writing by the applicant. The Commission shall have authority to continue the hearing to a specific date announced at the hearing, for reasons stated at the hearing, which may include the need for additional information from the applicant or others as deemed necessary by the Commission in its discretion. The Commission may, at its option, combine the hearing under this Bylaw and the hearing conducted under the Wetlands Protection Act, M.G.L. Ch. 131, Sec. 40.

E. Permits and Conditions

If the Conservation 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 on 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. In rendering its decision, the Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of Protected Resource Areas throughout the Town and the watershed, resulting from past activities, permitted and exempt activities, and foreseeable future activities.

If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect said Resource Area values, and all activities shall be conducted in accordance with those conditions. Where no conditions are adequate to protect said Resource Area values, the Commission is empowered to deny a permit for failure to meet the requirements of this Bylaw. It may also deny a permit: for failure to submit necessary information and plans requested by the Commission; for failure to comply with the procedures,

design specifications, performance standards, and other requirements in regulations of the Commission; or for failure to avoid, minimize or mitigate unacceptable significant or cumulative effects upon the Resource Area values protected by this Bylaw.

Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. The Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements set forth in its regulations, provided that: the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with said regulations; that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and that the waiver is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation.

In reviewing activities within the Buffer Zone, the Commission shall presume the Buffer Zone is important to the protection of Resource Areas because activities undertaken in close proximity have a high likelihood of adverse impact, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat.

In reviewing activities within the Riverfront Area, the Commission shall presume the Riverfront Area is important to all the Resource Area values unless demonstrated otherwise, and no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this Bylaw, has proved by a preponderance of the evidence that: (1) there is no practicable alternative to the proposed project with less adverse effects, and that (2) such activities, including proposed mitigation measures, will have no significant adverse impact on the areas or values protected by this Bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial), logistics, existing technology, costs of the alternatives, and overall project costs.

To prevent Resource Area loss, the Commission shall require applicants to avoid alteration wherever feasible; to minimize alteration; and, where alteration is unavoidable and has been minimized, to provide full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with specific plans, professional design, proper safeguards, adequate security, and professional monitoring and reporting to assure success, because of the high likelihood of failure of replication.

The Commission shall presume that all areas meeting the definition of "vernal pools" under §VII of this Bylaw, including the adjacent area, perform essential habitat functions. This presumption may be overcome only by the presentation of credible evidence which, in the judgment of the Commission, demonstrates that the basin or depression does not provide essential habitat functions. Any evaluation should be performed by an individual who at least meets the qualifications under the wildlife habitat section of the Wetlands Protection Act regulations.

A permit, Determination of Applicability (DOA), or Order of Resource Area Delineation (ORAD) shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is

given to the Commission. Any permit may be renewed once for an additional one-year period, provided that a request for a renewal is received in writing by the Commission 30 days prior to expiration. Notwithstanding the above, a permit may identify requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all present and future owners of the land.

For good cause the Commission may revoke any permit, DOA, or ORAD or any other order, determination or other decision issued under this Bylaw after notice to the holder, the public, abutters, and town boards, pursuant to §V and §VI, and after a public hearing.

Amendments to permits, DOAs, or ORADs shall be handled in the manner set out in the Wetlands Protection Act regulations and policies thereunder.

The Commission in an appropriate case may combine the decision issued under this Bylaw with the permit, DOA, ORAD, or Certificate of Compliance (COC) issued under the Wetlands Protection Act and regulations.

No work proposed in any application shall be undertaken until the permit, or ORAD 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 document has been recorded.

VI. Regulations

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure of the Conservation 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 reiterate the terms defined in this Bylaw and define additional terms not inconsistent with the Bylaw.

VII. Definitions

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

Agriculture: The term “agriculture” shall refer to the definition as provided by G.L. Ch. 128 §1A.

Alter/Alteration: This term 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, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics
- C. Drainage, or other disturbance of water level or water table
- D. Dumping, discharging, or filling with any material which may degrade water quality
- E. Placing of fill, or removal of material, which would alter elevation
- F. Driving of piles, erection, expansion or repair of buildings, or structures of any kind
- G. Placing of obstructions or objects in water
- H. Destruction of plant life including cutting of trees and shrubs

- 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
- K. Incremental activities which have, or may have, a cumulative adverse impact on the Resource Areas protected by this Bylaw.
- L. Any activity that changes the ability of a resource area to adapt to climate change impacts, to provide climate resilience.

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

Buffer Zone: The area of land extending 100 feet horizontally outward from any Resource Area except land subject to flooding and Riverfront Area.

No Disturb Zone: Lands within 25 feet of any Protected Resource Area except Land Subject to Flooding.

Pond: The term shall follow the definition of 310 CMR 10.04 except that the size threshold of 10,000 square feet shall not apply.

Protected Resource Area: As defined in Section III of this Bylaw.

Rare Species: Without limitation, all vertebrate and invertebrate animals and all plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless whether the site in which they occur has been previously identified by the Division.

Recreation: Any passive leisure activity that does not conflict with or diminish wetland functions or the Resource Area values protected under this Bylaw. Examples include, but are not limited to, the following: legally licensed fishing or hunting, boating, swimming, walking and hiking, canoeing, and bird watching.

Stream: A body of running water, including brooks and creeks, which moves in a definite channel in the ground due to a hydraulic gradient. A portion of a stream may flow through a culvert or beneath a bridge. Such a body of running water which does not flow throughout the year (i.e., which is intermittent) and which may consist of a drainage way without a defined channel embankment, is also considered a stream.

Vernal Pool: In addition to scientific definitions found in the regulations under the Wetlands Protection Act, any confined basin or depression not occurring in existing lawns, gardens, landscaped areas or driveways which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, contains at least 200 cubic feet of water at some time during most years, is free of adult predatory fish populations, and provides essential breeding and rearing habitat functions for amphibian, reptile or other vernal pool community species, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife.

VIII. Security

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

A. By a proper bond, deposit of money or negotiable securities under a written third-party escrow arrangement, or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a COC for work performed pursuant to the permit.

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

IX. Enforcement

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

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

The Commission or its agent shall have authority to enforce this Bylaw, its regulations, and permits issued thereunder by letters, phone calls, electronic communication and other informal methods, violation notices, non-criminal citations under G.L. Ch. 40 §21D, 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 Select Board and Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law. 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 administrative orders issued thereunder, shall be punished by a fine of:

- \$100 for the first offense
- \$200 for the second offense
- \$300 for the third and all subsequent offenses

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 administrative orders violated shall constitute a separate offense.

X. 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 the Resource Area values protected by this Bylaw. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit.

XI. Appeals

A decision of the Conservation Commission shall be reviewable in the superior court in accordance with G.L. Ch. 249 § 4.

XII. Relation to the Wetlands Protection Act

This Bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (G.L. Ch. 131 §40) and regulations (310 CMR 10.00) thereunder. It is the intention of this Bylaw that the purposes, jurisdiction, authority, exemptions, regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under the Wetlands Protection Act and regulations.

XIII. Severability

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

XIV. Effectivity Date

Any project which has a validly issued and existing Order of Conditions at the time of passage of this Bylaw shall be exempt from the provisions hereof unless any amendments or changes which increase the scope of the project, as determined by the Commission, are requested under the Order of Conditions in which case the provisions hereof shall govern.

ARTICLE XIII - APPLICATION AND PENALTIES

Section 1. {Continuation of Provisions}

All By-Laws or parts of By-Laws heretofore adopted which are inconsistent with the provisions of the foregoing By-Laws are hereby repealed and annulled; but the provisions of the foregoing By-Laws heretofore adopted shall be construed as a continuation thereof and not as new enactments.

Section 2. {Prior Actions}

The repeal of a By-Law heretofore adopted shall not affect any act done, ratified, or confirmed, or any right accrued or established, or any action, suit, or proceeding commenced or had in civil case, nor affect any punishment, penalty, or forfeiture incurred under such By-Law.

Section 3. Criminal Complaint

Whoever violates any provisions of these By-Laws may be penalized upon indictment or complaint brought in the District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be Two Hundred Dollars (\$200.00).

Section 4. Non-Criminal Complaint

Whoever violates any provision of the By-Laws, the violation of which is subject to specific penalty, may be penalized by a non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following by-laws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in all cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections; each day on which any violation exists shall be deemed to be a separate offense.

GENERAL BY-LAWS

The following by-laws will be enforceable under Chapter 40 §21D of the Massachusetts General Laws, Non-Criminal Disposition of Violations:

<u>Article, Section</u>	<u>Fine</u>	<u>Enforcing Officer</u>
Article V		
Sec 3, Swim Pool Safety Devices	\$25.00	Police & Bldg Insp
Article VI		
Sec 1, Improper Disposal	25.00	Police & Bldg Insp
Sec 2, Water Discharge	25.00	Police & Bldg Insp
Sec 5, Unauthorized Digging	25.00	Police & DPW
Sec 7, Dog Violations - First Offense	50.00	Police & Dog Officer
A-D&F Second Offense	100.00	
Third & Subsequent	300.00	
Sec 7(F), Dog Violations		Police & Dog Officer Recreation & Public Works Employees
Sec 7(G), Dog Violation-Rabies	50.00	Police & Dog Officer
Sec 8, Road & Sidewalk Obstruction	25.00	Police & DPW
Sec 17, Moving Building over Streets	25.00	Police & Bldg Insp
Sec 18, Sidewalk Obstruction	25.00	Police & Bldg Insp
Sec 21, Junk Cars	25.00	Police & Bldg Insp
Sec 22A, Junk Dealers	25.00	Police & Bldg Insp
Sec 22B, Hawkers & Peddlers	25.00	Police
Sec 24, Snow Removal Obstruction	25.00	Police & DPW
Sec 25, Earth Removal	25.00	Police & Bldg Insp
Sec 30, Street Numbering	25.00	Police & Bldg Insp
Sec 31, Electric Fences	25.00	Police & Bldg Insp
Sec 33, Noise Regulation	25.00	Police
Sec.33A Noise Compression Barkes	250.00	Police
Sec 35, Driveway Regulation	25.00	Police & DPW
Sec 36, Handicapped Parking	100.00 and removal of vehicle at owner's expense	
Sec 37, Prohibition of Traps	300.00	Police Dept Police & Animal Control Officer
Sec 41, Fire Lane Restriction	25.00 and removal of motor vehicle at owner's expense	
Sec 44, Water Supply Protection	50.00 1 st Offense & 100.00 each subsequent	Police Dept & Fire Dept DPW, Police
Sec 45. Bicycles/Skateboards/Rollerblades	25.00	Police Dept
Sec 46. Public Parks and Certain Municipal Properties	25.00	Police Dept

Sec 48, Prohibition of Vehicles on the Rail Trail	\$50.00 for the first Offense \$75.00 for the second Offense \$100.00 for the third and all subsequent offenses	Police Dept
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Sec 49, Public Consumption of Marijuana or Tetrahydrocannabinol	\$300.00	Police Dept
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Sec 50, Placement of Snow	\$50.00	Police Dept
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BOARD OF HEALTH REGULATIONS

Sale of Tobacco Products to persons under 21	\$100 1 st offense \$200 2 nd offense \$300 3 rd & subsequent offenses per calendar year	Duly authorized agents of the Board of Health.
Failure to post required notices re: sale of tobacco products	\$50	Duly authorized agents of the Board of Health.
Unlawful removal of said notice	\$10	Duly authorized agents of the Board of Health.
Improper disposal of solid waste	\$50 1 st offense \$100 2 nd – 4 th offense \$300 5 th & subsequent offenses per calendar year	Duly authorized agents of the Board of Health.
Improper control and keeping of animals	\$100	Duly authorized agents of the Board of Health.
Violation of Sanitary Code	\$100	

Zoning By-Law Section 8.4.3	\$100.00 and each each subsequent offense	Building Commissioner
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Wetlands Violation	\$100.00 for the first offense \$200.00 for the second offense \$300.00 for the third and all subsequent offenses	Police & Conservation Commission
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ENDNOTES