

Meeting Minutes

By-law and Charter Review Committee

July 10, 2013

7:00 pm at Town Hall

Committee Members

In Attendance:

David Surprenant
Henry Whittier
Lou Ciavarra
Glenn Coulter

Absent:

Richard Hersom

1. Approve Minutes

Minutes of June 17, 2013 approved.

2. Article 15 Council on Aging Bylaw

The Committee made recommendations to Article 15.

3. Article 16 Scenic Road Bylaw

The Committee asked Jen Hager, Planning Coordinator to review this bylaw.

4. Article 17 Renewal or Granting of Certain Licenses/Permits

The Committee asked the Collector to review this bylaw.

5. Article 18 Regulations Of Recreation Camps, Overnight Camps Or Cabins, Motels Or Mobile Home Parks

The Committee made recommendations to Article 18.

6. Article 19 Use of Public Ways & Article 22 Use of Private Ways

The committee asked Mark Brigham, Highway Superintendent to review these bylaws.

7. Article 20 General Administration

The Committee made recommendations to Article 20.

8. Article 21 Fire Lanes & Article 26 Fire Department Regulations

The Committee asked Matt Belsito, Fire Chief to review these bylaws.

9. Article 23 Recreation Commission

The Committee made recommendations to Article 23.

10. Article 24 Handicapped Parking

The Committee asked John Couture, Building Inspector to review this Article.

11. Article 25 Cemetery Commission

The Committee asked Jim Smith, Town Administrator to see if this Article is still needed.

12. Next meeting(s) scheduled for Wednesday, July 24th

Meeting adjourned at 8:30 pm.

Respectfully submitted,

Laura Caruso

ARTICLE 15. COUNCIL ON AGING

Section 15.1 – General Provisions

There shall be a Council On Aging as provided in Chapter 40, Section 8B of the Mass. General laws.

Section 15.2 – Membership

The Council On Aging shall consist of seven (7) members appointed by the Board of Selectmen for three (3) year terms, so arranged that as equal *as possible* a number of terms shall expire each year.

Section 15.3 – Powers & Duties

The Council On Aging shall coordinate and carry out programs designed to ~~meet the problems~~ *address the issues* of ~~the aging~~ *the Towns' elder citizens* in coordination with programs of the Mass. Department of Elder Affairs. The Council shall submit an annual report to the Town and shall send a copy thereof to the Department of Elder Affairs.

Section 15.4 – Alternate Members

The Council On Aging shall also consist of three (3) alternate members appointed by the Board of Selectmen for three (3) year terms. Alternate members may speak on any issue that comes before the Council but may not vote. ~~The purpose of alternate members is to be available for consideration as full members if and when a vacancy should occur.~~

Adopted: 10/17/88

Amended: 5/3/93, 5/13/02

ARTICLE 16. SCENIC ROAD BY-LAW

Purpose: The purpose of this article is to ensure compliance with M.G. L., Chapter 40 §15C and M.G.L., Chapter 87, with respect to protection of trees and stone walls along, and within the right of way of ~~sScenic #Roadways~~ and public roadways ~~within the Town of Sutton.~~

Section 16.1 - Definitions

16.1.1 "Road" shall mean a right-of-way or any way used and maintained as a public way ~~including the vehicular traveled way~~ plus necessary appurtenances within the right-of-way such as bridge structures, drainage systems, retaining walls, traffic control devices and sidewalks, but not intersecting streets or driveways.

16.1.2 "Repair, Maintenance, reconstruction, or Paving Work" shall mean any work within the right-of-way by any person or agency, public or private. This includes any work on any portion of the right-of-way which was not physically finished at the time the road was designated as a ~~sScenic #Road~~. Construction of new driveways or alterations of existing one is also included, insofar as it takes place within the right-of-way.

~~16.1.3~~ "Cutting or Removal of Trees" shall mean the cutting or removal of any trees, or portion thereof.

~~16.1.4~~ ~~16.1.3~~ "Tearing Down or Destruction of Stone Walls" shall mean ~~the destruction of any portion~~ *altering of a the stone wall in anyway* within or along the boundary of a right-of-way.

Section 16.2 - Purpose

These regulations are intended to ensure that;

~~16.2.1~~ ~~Ways Roads~~ will be recommended for designation as ~~s~~Scenic ~~r~~Roads on stated criteria;

~~16.2.2~~ ~~Ways Roads~~ so designated will not be altered without following proper procedures and without adherence to proper consideration;

~~16.2.3~~ ~~Ways Roads~~ as designated will not be altered by the decision of any person, organization, or agency other than the ~~p~~Planning ~~b~~Board.

Section 16.3 - Criteria for Designation as a Scenic Road

~~16.3.1~~ The ~~p~~Planning ~~b~~Board, ~~conservation commission, or historical commission~~ shall in determining which roads or portions of roads should be designated as ~~s~~Scenic ~~r~~Roads, consider the following criteria:

- a. ~~Ways Roads~~ bordered by trees of exceptional quality;
- b. ~~Ways Roads~~ bordered by stone walls;
- c. ~~Ways Roads~~ bordered by any other natural or man-made features of aesthetic or historical value;
- d. ~~Ways Roads~~ for which alteration is being planned or is likely to be planned in the future.

Section 16.4 - Notification of Designation as Scenic Road

~~16.4.1~~ The ~~p~~ Planning ~~b~~Board shall take the following steps within thirty (30) days after a road (s) has been designated a ~~s~~Scenic ~~r~~Road:

- a. Notify all municipal departments that may take any action with respect to the road (s);
- b. Notify the Mass. Department of Public Works;
- c. Publish in a paper having circulation within the ~~t~~Town notice that the road(s) have been so designated;
- d. Indicate such information on all maps currently in use or planned by municipal departments
- e. Notify all utility companies or other such parties who may do work along the border of such roads.

Section 16.5 - Procedures

~~16.5.1~~ Filing: Any person, organization, state, or municipal agency seeking the written consent of the ~~p~~Planning ~~b~~Board regarding the cutting or removal of trees

or the tearing down or destruction of stone walls, or portions thereof, shall file a written request with the ~~p~~Planning ~~b~~Board together with the following:

- a. Text of a legal notice identifying the location of the proposed action in terms enabling the readers to locate the area with reasonable accuracy and a description of the proposed changes to trees, stone walls, natural surroundings, man-made objects or features;
- b. A statement of the purpose(s) for such changes;
- c. A list of owners of properties, as certified by the board of assessors, located in whole or in part within one hundred (100) feet of the proposed action;
- d. A fee, as established by the ~~p~~Planning ~~b~~Board, to cover the cost of advertising, notification, and administration;
- e. Any further explanatory material useful to adequately inform the ~~p~~Planning ~~b~~Board.

16.5.2 Notice

The ~~p~~Planning ~~b~~Board shall, as required by statute, give notice of its public hearing by advertising twice in a newspaper of general circulation in the area. The public hearing may coincide with the hearing(s) for proposed construction of homes or other buildings. Copies of the notice of public hearing shall also be sent to the ~~b~~Board of Selectmen, ~~e~~Conservation ~~e~~Commission, ~~h~~Historical ~~e~~Commission, ~~h~~Highway ~~s~~Superintendent, ~~t~~Tree ~~w~~Warden, and owners of property as appearing on the most recent property listing of the ~~b~~Board of ~~a~~Assessors within one hundred (100) feet of the proposed action.

16.5.3 Time of Notice

Publication of the required notice shall be at least seven (7) days prior to the date of the public hearing.

16.5.4 Time of Hearing

The ~~p~~Planning ~~b~~Board shall hold a public hearing within thirty (30) days of the ~~p~~Planning ~~b~~Board meeting at which a properly filed request is received.

16.5.5 Timing of Decision

The ~~p~~Planning ~~b~~Board shall make a decision on the request within twenty-one (21) days of the closing of the public hearing.

16.5.6 Public Shade Tree Law

Whenever possible, when a public hearing must be held under the provisions of this section and under M.G.L., ch. 87§3 prior to the cutting or removal of a tree, such hearings shall be consolidated into a single public hearing before the Tree Warden and the Planning Board.

Section 16.6 - Considerations

The ~~p~~Planning ~~b~~Board's decision on any application for proposed action affecting ~~s~~Scenic ~~r~~Roads shall be based on consideration of the following:

1. Preservation of natural resources;
2. Environmental values;
3. Scenic and aesthetic characteristics;
4. Historical values;
5. Public Safety;
6. ~~Compensatory~~ *Mitigating* actions proposed, such as replacement of trees or walls;
7. Other sound planning considerations.

Section 16.7 - General

16.7.1 ~~Highway Superintendent~~ *Emergency/Hazard* Considerations:

The ~~h~~Highway ~~s~~Superintendent *or Tree Warden* may take immediate action to remove trees or branches of any size during emergency situations such as fallen debris adjacent to or on roadways. This would also include trees or limbs of a threatening nature to existing or proposed electrical power lines that may jeopardize the safety of the public.

16.7.2 The ~~p~~Planning ~~b~~Board may adopt more detailed regulations for carrying out the provisions hereunder.

Section 16.8 – Approved Scenic Roads

The following list of roads have been designated as ~~s~~Scenic ~~r~~Roads pursuant to MGL Chapter c.40:

Boston Rd, Century Farm Rd, Lincoln Rd, Eight Lots Rd, Town Farm Rd, Mendon Rd, Rich Rd, Manchaug Rd, Purgatory Rd, Buttonwood Ave, Hartness Rd, Central Turnpike, Douglas Rd, Waters Rd, West Sutton Rd, Burbank Rd, Sibley Rd, Stone School Rd, and Hutchinson Rd.

Section 16.9 – Violations

Whoever violates this bylaw by altering any public shade tree and/or stone wall along the public right of way, shall be notified in writing of their offense and the resulting fine. In accordance with c.87 §6, said fine shall not exceed \$500 for a public Shade Tree violation and/or \$300 in accordance with c.40 §15C for a Scenic Roadway violation.

Adopted: October 17, 1988

Amended: 10/18/04, 5/9/05, 10/18/10

ARTICLE 17. RENEWAL OR GRANTING OF CERTAIN LICENSES/ PERMITS

Section 17.1 – General Provisions

~~The Town Collector~~ *Each department, board or Commission hereinafter, referred to as "Collector" the "Licensing Authority" that issues licenses or permits, including renewals and transfers shall request from the Town Collector herein referred to as "Collector" via interoffice mail verification annually furnish to each department, board, or commission,*

~~hereinafter, referred to as the "Licensing authority" that issues licenses or permits, including renewals and transfers, a list of~~ *that any person, corporation, or business enterprise, hereinafter, referred to as the "pParty" is not delinquent or that has neglected or refused to pay any local taxes, fees, assessments, betterment or other municipal charges, for not less than a twelve month period,* and that such party has not filed in good faith a pending petition before the appellate tax board.

Section 17.2 – Licensing Authority Action

The ~~Licensing a~~Authority may deny, revoke, or suspend any license or permit, including renewals and transfers of any ~~pParty whose name appears on said list furnished~~ *who has outstanding or delinquent taxes or fees as provided to the Licensing a*Authority from the Collector, ~~provided, however, that written notice is given to the party and the Collector,~~ as required by applicable provisions of law, and the ~~pParty~~ is given a hearing, to be held no earlier than fourteen (14) 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 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 a~~Authority with respect to such denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this ~~b~~Bylaw shall not be re-issued or renewed until the ~~Licensing a~~Authority receives a ~~certificate issued~~ *written verification* by the Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterment or other municipal charges payable to the ~~t~~Town as of the date of issuance of said ~~certificate~~ written verification.

Section 17.3 – Payment Agreements

~~Any party shall be given an opportunity to enter into a 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 conditional upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided however, that the holder be given notice and a hearing as required by applicable provisions of law.~~

Payment agreements are applicable to parcels in tax title only. Refer to Article 37. Tax Title Payment Agreements of the General Bylaws.

Section 17.4 – Waivers

The board of selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in GL c.268A §1 ~~Section One of Chapter 268A, MGL.~~ in the business or activity conducted in or on said property.

Section 17.5 – Exclusions

This section shall not apply to ~~the following~~ licenses and permits *where the fee is \$25.00 or less.*

- ~~1. Open burning, MGL Chapter 48, Section 13.~~
- ~~2. Bicycle Permits, MGL Chapter 85, Section 11A.~~
- ~~3. Sale of articles for charitable purposes, MGL Chapter 101, Section 33.~~
- ~~4. Children Work Permits, MGL Chapter 149, Section 69.~~
- ~~5. Clubs, associations dispensing food and beverages licenses, MGL Chapter 140, Section 21E.~~
- ~~6. Dog Licenses, MGL Chapter 140, Section 137.~~
- ~~7. Fishing, Hunting, trapping licenses, MGL Chapter 131, Section 12.~~
- ~~8. Marriage Licenses, MGL Chapter 207, Section 28.~~
- ~~9. Theatrical events, public exhibition permits, MGL Chapter 140, Section 181.~~

Adopted: April 18, 1987

ARTICLE 18. REGULATION OF RECREATION CAMPS, OVERNIGHT CAMPS OR CABINS, MOTELS OR MOBILE HOME PARKS

Section 18.1 - Licensing

18.1.1 Any recreation camp, overnight camp or cabin, motel, or mobile home park in the ~~€Town of Sutton~~ shall be licensed annually by the ~~h~~Board of ~~h~~Health.

18.1.2 Such license shall be issued pursuant to the requirements of G.L. c.140 §32B. ~~as may from time to time be amended.~~

18.1.3 Such license shall expire annually on December thirty-first.

Section 18.2 - Fee

18.2.1 The fee for any license issued under Section 18.1.1 of this by-law shall be \$50.00 for each original or renewal license.

Section 18.3 - Rules and Regulations

18.3.1 The board of health may adopt, and from time to time alter or amend, rules and regulations to enforce G.L. c.140, §32B. ~~of the Commonwealth.~~

Adopted: February 15, 1989

ARTICLE 19. USE OF PUBLIC WAYS

Section 19.1 – Secured Rubbish In Transport

All rubbish being transported ~~to~~ *in* the Town ~~Solid Waste Disposal Facility~~ shall be secured by ~~a canvas covering or other~~ suitable means designed to prevent the escape of litter from the transporting vehicle.

Section 19.2 - Obstructing A Public Right of Way.

19.2.1 No person shall cause an obstruction to a public way in any of the following manners:

- a. Plowing of snow into the public Right of Way.
- b. Dispensing or allowing to be dispensed water or other substances into the public Right of Way.
- c. Erection of any type of structure, including a fence or stone wall, in the public Right of Way.
- d. Placing of rubbish or other items in the public Right of Way.
- e. Parking of vehicles within the public right of way from the commencement of snow fall and/or freezing precipitation until 8 hours after the snow and/or freezing precipitation has ended.

The Town shall not be responsible for damage to any structures or items which have been placed or erected in the public Right of Way in violation of this By-Law.

19.2.2 Enforcement and Penalty.

The Highway Superintendent and Building ~~Inspector~~ *Commissioner* shall be additional enforcement agents of this By-Law. Any person who violates any provisions of this shall be liable to a penalty ~~not exceeding \$20.00~~ *set forth in Article 20. General Administration* for each violation. Each day that such violation continues shall constitute a separate violation.

Adopted: May 1, 1989

Amended: 6/28/99, 5/10/04, 5/9/05

ARTICLE 20. GENERAL ADMINISTRATION

Section 20.1 - Budgets

The ~~town administrator~~ *Manager* shall submit a proposed operating budget to the Board of Selectmen ~~one~~ ninety (90) days prior to the date on which the town meeting is to convene in its spring session; and to the Finance and Warrant Advisory Committee seventy-five (75) days before ~~such date~~ *spring session*. The School Committee shall submit its proposed operating budget to the ~~town administrator~~ *Manager* at least one hundred (100) days prior to the date ~~of~~ the town meeting is to convene in its spring session.

Section 20.2 – ~~Enforcement~~ *Fines, Penalties and Violations*

20.2.1 Criminal Complaint: Whoever violates any provision of these by-laws may be penalized by indictment or on criminal 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 three hundred dollars (\$300.00). Each day on which any violation exists shall be deemed to be a separate offense.

20.2.2 Non-criminal Disposition: Whoever violates any provision of these by-laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in ~~MGL Chapter c.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 and sections of by-laws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases and that in addition to police officers and the ~~tTown administrator~~ *Manager*, 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 a separate offense.

General By-laws

Wetlands & Riverfront District Bylaw violations (Article 13)
(Designated Agents & Members of Conservation Commission, Building Commissioner)

a) First Offense	Warning
b) Second Offense	\$200.00
c) Third & Subsequent Offenses	\$300.00
Trailers (Zoning enforcement officer)	\$100.00
Earth Removal By-law (Earth Removal Board Planning Board)	\$300.00
Unregistered Motor Vehicles	\$100.00
Open Container By-law	first offense \$100.00 Each subsequent offense \$300.00
Driveways (Highway Superintendent)	\$ 20.00
Public Sewer By-law (Sewer commission and its agent)	\$300.00
Entertainment By-law	\$ 50.00
Use of Public Ways	\$ 50.00

Obstructing A Public Way (Section 19.2) \$ 20.00
(Highway Superintendent, Building Inspector)

Non-Storm Water Discharges first offense \$ 50.00
2nd offense \$100.00
subsequent offenses \$300.00

Sutton Zoning Bylaw (in its entirety) and Approvals and permits issued in accordance with said bylaws first offense \$ 50.00
2nd offense \$100.00
3rd offense \$300.00

Adopted: May 1, 1989

Amended: 5/ 8/90, 10/15/90, 5/6/91, 6/2/99, 10/20/03, 5/9/05, 5/11/09

(Waiting to hear from the Fire Chief on this article)

ARTICLE 21. FIRE LANES

Section 21.1 – Unlawful To Restrict Emergency Access

It shall be unlawful to obstruct or block a private way with a vehicle so as to prevent access by fire apparatus or other emergency vehicles to any building or structure where an emergency exists.

Section 21.2 – Designation Of Fire Lanes

It shall be unlawful to obstruct or park a vehicle in any Fire Lane. Subject to the approval of the Board of Selectmen, Fire Lanes may be designated by the Fire Chief on any private property where public vehicle access is permitted.

Section 21.3 – Pavement Markings Required

The property owner shall provide pavement markings to designate the Fire Lanes in accordance with section 21.2 above.

Section 21.4 - Penalties

Any person violating this by-law shall be subject to the penalties as provided in MGL Chapter c.90 Section §20A-1/2, as amended.

Adopted: October16, 1989

ARTICLE 22. USE OF PRIVATE WAYS

Section 22.1 - Temporary Repairs to Private Ways

22.1.1 The town may make temporary repairs on private ways which have been open to public use for a period of six (6) *consecutive* years or more, provided the repairs are for the protection of the health and safety of the general public using such ~~roads~~ *private ways*, subject to the provisions of this bylaw.

22.1.2 No repairs shall be made on private ways that have not been released from covenant and/or bond.

Section 22.2 - Minor Temporary Repairs

22.2.1 The town may make minor temporary repairs upon a private way in the €Town . Such repairs shall be made only after the board of selectmen determines that, based on recommendation from the highway superintendent, the repairs are required by public necessity. No petition by abutters shall be necessary for the €Town to make such minor repairs.

22.2.2 Minor temporary repairs shall include the filling of holes in the subsurface of such ways and repairs to the surface materials thereof. Materials for such repairs, where practical, should be the same as, or similar to, those used for the existing surfaces of such ways, but may include surfacing the ways with bituminous materials, including but not limited to bituminous concrete.

22.2.3 minor temporary repairs shall be limited to minor work such as filling, patching and not more than grading or scraping twice per year. Such repairs shall not include surfacing, resurfacing, installation of drainage of any kind or the original construction of sidewalks, curbing or street construction.

22.2.4 The cost of such minor temporary repairs shall be borne entirely by the €Town , subject to funds being available through an appropriation voted by the €Town ; no betterment shall be assessed against the abutters; and, no cash deposit shall be required.

Section 22.3 - Major Temporary Repairs

22.3.1 The €Town may make major temporary repairs on a private way in the €Town . Such repairs shall be made only after a petition has been filed in the office of the board of selectmen. Such petition shall identify the repairs to be made and shall be signed by the owners of no less than fifty (50) percent of the lineal frontage of said way. Following the submission of said petition, the board of selectmen shall conduct a public hearing, at which hearing interested persons may present evidence relative to the petition.

No repairs shall be made until the board, by a majority vote of its members, and following such hearing, determines that such repairs are required by public necessity, and until the town meeting has appropriated funds for such repairs.

22.3.2 Following such determination by the board that said repairs are a public necessity, the board shall issue an order stating on its face that betterment are to be assessed upon the owners of estates which derive particular benefit or advantage from making of such repairs.

Such assessment shall be a sum equal, in the aggregate, to the total cost of such repairs, and, in the case of each estate, shall be in proportion to the frontage thereof upon such private way.

22.3.3 Such repairs may include surfacing, resurfacing and the installation of drainage, but shall not include the original construction of sidewalks, curbing or street construction. No cash deposit shall be required.

22.3.4 Drainage easements, if necessary, shall be the responsibility of the petitioners.

Section 22.4 - Assessments

22.4.1 Except as herein otherwise provided, the provisions of Chapter 80 of the General Laws, as it relates to public improvements and assessments therefor, shall apply to major temporary repairs, as defined in this by-law, to private ways where such repairs are ordered to be made under authority of this by-law.

22.4.2 Any assessment made in accordance with the provisions of this by-law upon the owner of an estate shall be paid within six (6) months of the date that such assessment is levied, where the total assessment is less than two hundred dollars (\$200.00).

22.4.3 Where the total assessment amounts to two hundred dollars (\$200.00) or more, the owner of the estate may divide the payment of such assessment into not more than ten (10) equal payments, the final installment payment to be made not later than five (5) years from the date of the levy of the assessment.

22.4.4 Assessments made under this by-law shall constitute a lien upon the land assessed in accordance with the provisions of section 12 of chapter 80 of the General Laws.

Section 22.5 - Liability

22.5.1 In no event shall the Town of ~~Sutton~~ be liable for bodily injury, death or damage to personal property caused by reason of a defect or want of repair in any private way.

22.5.2 The Town of ~~Sutton~~ shall not be liable or accountable for any damage caused by repairs made pursuant to this by-law.

22.5.3 Massachusetts General Laws, Chapter 84, Section 25 shall not apply.

Adopted: October 9, 1989

ARTICLE 23. RECREATION COMMISSION

Section 23.1 – Composition; Term of Office

There shall be a Recreation Commission which shall consist of three (3) members appointed by the Selectmen for terms of three (3) years each so arranged that the term of one member shall expire each year.

Section 23.2 - Rules and Regulations

Subject to approval of the Board of Selectmen, the Recreation commission is authorized to adopt such rules and regulations as it deems necessary for the operation and control of town-owned lands and buildings (except those controlled by the Sutton School Committee) used for recreational purposes.

Section 23.3 - Enforcement

Enforcement of rules and regulations and requisitions adopted pursuant to this by-law shall be according to the following procedures:

23.3.1 by seeking a criminal complaint in district court, the penalty for each violation shall be three hundred dollars (\$300.00); and, each day on which a violation exists shall be a separate offense.

23.3.2 by seeking non-criminal disposition pursuant to ~~MGL Chapter c.40 Section~~ §21D; the penalty for each violation shall be an amount established by such rules and regulations (not exceeding \$300.00); and, each day on which a violation exists shall be deemed a separate offense.

Section 23.4 - Fees

23.4.1 The Recreation Commission may establish such fees as it deems necessary for the support and maintenance of the recreation programs it provides.

~~**23.4.2** Prior to establishing fees pursuant to this section, the Commission shall hold a public hearing, notice of which shall be published in a newspaper having general circulation in town at least fourteen (14) days prior to the public hearing. Said notice shall contain a schedule of the proposed fees to be discussed at the hearing.~~

Adopted: May 6, 1991

Amended: 10/21/91, 1/20/00

Per John Couture, Building Commissioner – This bylaw can be deleted. Handicapped regulations are included in the State Building Code and this bylaw is probably in conflict with the State Code.

ARTICLE 24. HANDICAPPED PARKING

Section 24.1 – General Provisions

Any person of body that has control of property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place 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 owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguished license plate authorized by MGL Chapter 90, Section 2, or any other identifying sticker approved by the police chief according to the following formula:

More than 15 but not more than 25 spaces	1 space
More than 25 but not more than 40 spaces	5% of such (minimum 2)
More than 40 but not more than 100 spaces	4% of such (minimum 3)
More than 100 but not more than 200 spaces	3% of such (minimum 4)
More than 200 but not more than 500 spaces	2% of such (minimum 6)
More than 500 but not more than 1000 spaces	1.5% of such (minimum 10)
More than 1000 but not more than 2000 spaces	1% of such (minimum 15)
More than 2000 but not more than 5000 spaces	.75% of such (minimum 20)
More than 5000 spaces	.5% of such (minimum 30)

Section 24.2 – Placement And Design Of Spaces

Parking spaces 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 (12) feet wide or two (2) eight-foot wide areas with four (4) feet of cross-hatch between them.

Section 24.3 – Required Signage

Parking spaces designated as reserved under this provisions of this by-law shall be identified by the use of above-grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking": Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense."

~~Section 24.4—Unauthorized Parking And Obstructing Of Ramps~~

~~It shall be unlawful for any person not a disabled veteran or handicapped person to leave any vehicle or vehicles within parking areas designated for use by disabled veterans or handicapped persons as authorized in sections 24.1 and 24.2 or in such a manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way.~~

~~Section 24.5—Penalties & Enforcement~~

~~The penalty for violation of Section 24.4 of this bylaw shall be fifty (50.00) dollars and the vehicle may be removed according to the provisions of MGL Chapter 266, Section 120D, as amended.~~

Adopted: Feb. 3, 1992

ARTICLE 25. CEMETARY COMMISSION BY-LAW

Section 25.1 - Composition, Term Of Office

There shall be a cemetery commission which shall consist of three members appointed by the Board of Selectmen for terms of three years each so arranged that the term of one member shall expire each year.

Section 25.2 - Powers and Duties

The Cemetery Commission shall have general charge and superintendence of all burial grounds within the town and any land set aside by the town for cemetery purposes. The cemetery commission shall have all of the other powers and duties which are given to cemetery commissions by general law and such additional powers and duties as are provided by town by-law or by other town meeting vote.

Adopted: May 4, 1992