

Town of Sturbridge Final Draft (Red-Line)

Chapter 1 - GENERAL PROVISIONS

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

General Penalty

[formerly Ch. 9 of the Bylaws]

§ 1-1. Criminal complaint.

Any person who violates the provisions of any bylaw of the Town of Sturbridge, may be penalized by ~~the~~ indictment or on the complaint brought in District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the penalty for each violation or offense shall be not less than \$25, nor more than \$300.

§ 1-2. Noncriminal complaint.

- A. Any person who violates the provisions of any bylaw of the Town of Sturbridge, the violation of which is subject to a specific penalty, may be penalized by a ~~non-criminal~~noncriminal disposition as provided in MGL c. 40, § 21D. The ~~non-criminal~~noncriminal 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.
- B. Without intending to limit the generality of the foregoing, it is the intention of this provision that the following bylaws, rules or regulations are to be included within the scope of this ~~subsection~~section, that the specific penalties as listed hereunder shall apply in such cases, and that the municipal official listed for each ~~ordinance~~bylaw, rule or regulation shall be the enforcing person for such ~~ordinance~~bylaw, rule or regulation. Nothing herein shall limit or restrict any enforcing person's authority to seek criminal prosecution of any violation of any ~~ordinance~~bylaw, rule or regulation listed herein. Each day on which any violation exists shall be deemed to be a separate offense.

§ 1-3. Violations subject to specific penalties.

Violation	Enforcing Agents	Penalty
Chapter 115, Animal Control	Animal Control Officer, Police Department	First and subsequent Offense offenses: warning/\$50/\$100
Chapter 129, Article II, Building Numbering	Police Department, Building Inspector and Fire Chief or their designees	First and subsequent offenses: warning/\$20
Chapter 161, § 161-6, Logging violation	Police Department	First and subsequent Offense offenses: \$50
Chapter 167, Gambling	Police Department	First and subsequent Offense offenses: \$50
Chapter 194, Littering	Director of Inspections Building Inspector, Police Department	First and subsequent Offense offenses: \$200
Chapter 216, Peace and Good Order	Police Department	First and subsequent Offense offenses: \$200
Chapter 221, Peddling and Soliciting	Police Department	First and subsequent Offense offenses: \$50

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Violation	Enforcing Agents	Penalty
Chapter 250, Article I, § 250-1, Obstructing the public way by snow	Director of Inspections <u>Building Inspector</u> , Police Department	First and subsequent Offense <u>offenses</u> : \$50
Chapter 250, Article I, § 250-4, Rubbish on streets	Director of Inspections <u>Building Inspector</u> , Police Department	First and subsequent Offense <u>offenses</u> : \$20
Chapter 250, Article IV, § 250-15, Clearing of snow and ice from sidewalks	Director of Inspections <u>Building Inspector</u> , Police Department	First and subsequent Offense <u>offenses</u> : \$10
Chapter 250, Article VI, Parking Ban	Police Department	First and subsequent Offense <u>offenses</u> : \$50
Chapter 279, Abandoned Motor Vehicles	Director of Inspections <u>Building Inspector</u> , Police Department	First and subsequent Offense <u>offenses</u> : warning/\$25/\$50
Chapter 286, Wetlands Protection	Conservation Commission or its designee, Board of Health Agent, Director of Inspections <u>Building Inspector</u> , Police Department	First, second and subsequent offenses: written warning from Conservation Commission/\$25/\$50/\$100
Chapter 300, Zoning	Director of Inspections <u>Building Inspector</u>	First offense <u>offense</u> : verbal or written warning Second and subsequent Offense <u>offenses</u> : \$50
<u>Chapter 340, Planning Board Rules and Regulations</u>	<u>DPW Director, Town Engineer</u>	<u>First violation: \$50 Second and subsequent violations: \$100</u>
MGL c. 85, § 11B, Bicycle Helmet Law	Sturbridge Police Department	First offense—: written warning #Second offense—: \$10 #Third and subsequent offenses—: \$20
Chapter 4, Outdoor Water Restriction	DPW Director or Water Plant Operator	First offense— Written Warning <u>: written warning</u> Second and subsequent offenses—: \$25 per day

Chapter 7 - BOARDS, COMMISSIONS AND COMMITTEES

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge as indicated in article histories. Amendments noted where applicable.]

ARTICLE I General Provisions—

§ 7-1. Appointments to Town committees, boards and commissions by single appointing authorities. [formerly Ch. 1, § 1.8, of the Bylaws]

- A. All appointed openings on Town committees, boards and commissions must be posted in the Town Hall, on the cable access channel and on the official Town website for a minimum of a fifteen-day open application period or such lesser period as may be specified in the Town Charter to solicit applications. The last day for which applications will be accepted must be clearly posted. The open application period may be repeated until the position is filled.
- B. Candidates for openings must submit a written or electronic application on the Town of Sturbridge Committee Application Form to the Town Administrator's office prior to the closing of the open

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application period or must have submitted a Town of Sturbridge Committee Application Form prior to the open application period for the Town to retain on file as an indication of ongoing interest in an appointment. All applications placed on file will expire and become inactive two years after they are submitted. Copies of all active applications shall become matters of public record held available for review in the Town Administrator's office.

- C. Copies of all active applications will be promptly referred to the appropriate appointing authority and confirming authority (when confirmation by the Board of Selectmen is required). Applicants seeking confirmation of receipt of their applications may send the application by certified mail, deliver it by hand, or verify that their application has been placed in the application file in the Town Administrator's office.
- D. For each opening, the appointing authority must prepare a report listing the three candidates judged most qualified for the opening (or fewer if there are not at least three applicants) and present the rationale for selecting the candidate that is chosen. If no one is chosen, the open application period may be repeated until the position is filled. When confirmation by the Board of Selectmen is required, this material shall be submitted to the Board of Selectmen. Within 10 business days after the appointment is made, this report shall become a matter of public record held for review at the Town Administrator's office. When the appointing authority is the Board of Selectmen, the records of the meeting(s) at which the appointment is discussed and made shall serve as the report. The candidate chosen for the position will receive written or electronic notification of his appointment by the appointing authority.
- E. All candidates who are not appointed to the open position will receive written or electronic notification of such by the appointing authority within 10 business days after the appointment is made.

§ 7-2. Disposition of fees collected. [formerly Ch. 1, § 1.60, of the Bylaws]

All Town officers are required to pay all fees received by them, by virtue of their office, into the Town treasury. This ~~by-law~~ bylaw is authorized by MGL c. 40 § 21(13) and is intended to include all those fees otherwise to be kept under any section of the General laws of the Commonwealth of Massachusetts.

ARTICLE II Finance Committee-

[formerly Ch. 1, § 1.20, of the Bylaws]

§ 7-3. Membership; appointment.

There shall be a Finance Committee consisting of nine legal voters of the Town, who shall be appointed by the Moderator as hereinafter provided. No Town employee or special employee may serve on the Finance Committee during the term of such employment. At its initiative, the Finance Committee may nominate one or more of its members for appointment(s) to a specific committee, without such appointment(s) jeopardizing the status of ~~nominee~~ nominee's(s) membership on the Finance Committee, if so appointed.

§ 7-4. Terms; officers; records.

~~The Moderator of the next Annual Town Meeting after this Bylaw is approved shall, within 30 days after such Bylaw becomes effective, appoint three members of said Committee for a term of one year, three members for a term of two years and three members for a term of three years. At each Annual Town Meeting thereafter~~ At each Annual Town Meeting, the Moderator thereof shall appoint three members of said Committee for the term of three years. The terms of office of said members shall commence immediately

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upon qualification and shall expire at the end of the fiscal year in the year their respective term ends. Said Committee shall choose its own officers and shall serve without pay, and it shall cause to be kept a true record of its proceedings.

§ 7-5. Meetings; vacancies.

The Finance Committee shall meet as often as needed to complete its assigned responsibilities. At a minimum, the Finance Committee shall meet at least once prior to any Special Town Meeting to consider the warrant for the Special Town Meeting. The Finance Committee shall also meet as needed to deliberate the budgets and warrant articles prior to the Annual Town Meeting. If any member is absent from six consecutive regular meetings of said Committee, his position may, on vote of said Committee, be deemed vacant and filled as hereinafter provided. The Chairman of said Committee shall notify the Town Clerk in writing of any vacancy in its membership, and the Moderator shall appoint a successor to fill the ~~the~~ expired/unexpired term.

§ 7-6. Scope of authority.

All department budgets, transfer requests, warrant articles, zoning articles and bylaw articles shall be referred to the Finance Committee for its recommendations. The Selectmen, after drawing any such warrant, shall transmit immediately a copy thereof to each member of said Committee. Said Committee shall, after due consideration of the subject matter of such articles, report thereon to the Town Meeting, in writing, such recommendations as it deems best for the interests of the Town and its citizens. The Finance Committee's recommendation shall be the main motion before any Town Meeting on all articles and budgets.

§ 7-7. Budget duties.

It shall be the duty of the Finance Committee annually to consider the expenditures in previous years and the estimated requirements for the ensuing year of the several boards, officers, and committees of the Town as prepared by them (or by the Finance Department) in such form and detail as may be prescribed by said Committee. The said Committee shall add to such statements of expenditure and estimates another column, giving the amount which in its opinion should be appropriated for the ensuing year, and shall further and thereto add suggestions relating to the proposed appropriations as it may deem expedient, and report thereon as provided in § 7-6.

§ 7-8. Access to records.

In the discharge of its duty, said Committee shall have access to all books of records and accounts, bills and vouchers on which money has been or may be paid from the Town treasury. Officers, boards and committees of the Town shall, upon request, attend meetings of the Finance Committee and furnish said Committee with facts, figures and any other information pertaining to their several activities. The Town Accountant, when requested by the Chairman of the Finance Committee, shall attend meetings of the Finance Committee with his/her books and accounts, to furnish information as is desired by the Committee.

ARTICLE III

Council on Aging

[formerly Ch. 1, § 1.40, of the Bylaws]

§ 7-9. Membership; terms; vacancies.

There shall be a Council on Aging consisting of nine registered voters of the Town appointed by the Selectmen for ~~the following terms: three for the term of three years, three for a term of two years, and three~~

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~~for the term of one year, and upon expiration of said initial terms, subsequent appointments to be for a term of three years, staggered terms of three years.~~ The term of office of any member shall expire on the day of the Annual Town Meeting in the last year of his/her term. The Selectmen shall fill any vacancies that may occur.

§ 7-10. Organization and quorum.

The Council shall annually elect a Chairperson and other such officers as it deems appropriate. The quorum for the transaction of business shall be a majority of the Council, but a number less than the majority may adjourn.

§ 7-11. Powers and duties.

The Council shall have all the powers and duties conferred and imposed upon councils on aging in MGL c. 40 § 8B and any amendments thereof now or hereafter enacted. The Council shall identify the total needs of the elderlyaging community, enlist the support and participation of all interested citizens concerning those needs, design, promote ~~and participation of all interested citizens concerning~~ or implement services to fill those needs, and support any other programs designed to assist the elderlyaging in the community. The Council shall cooperate with the ~~Aging Bureau of the State~~ Department of CommunityElder Affairs and shall endeavor to be cognizant of all federal and state legislation concerning funding, information exchange and program planning for better community programming for the elderlyaging.

§ 7-12. Reports.

The Council shall submit an annual report to the Town and shall send copies thereof to the ~~State Commission on Aging and the Aging Bureau of the State~~ Department of CommunityElder Affairs.

ARTICLE IV

Local Cultural Council

[formerly Ch. 1, § 1.50, of the Bylaws]

§ 7-13. Establishment; membership; appointment; terms.

By the adoption of this bylaw, the Town of Sturbridge has established a local cultural council to be known as "Sturbridge Cultural Council". The ~~Counsel~~Council shall consist of at least five and not more than nine members, to be appointed by the Board of Selectmen for staggered terms of three years, with no member to be appointed to more than two consecutive terms.

§ 7-14. Operation, powers and duties.

The composition, operations, powers and duties of ~~which~~the Council shall be determined by and shall conform with the requirements of MGL c. 10 § 58, as most recently amended and as that statute may be amended from time to time, as well as with all applicable regulations of the Massachusetts Cultural Council.

ARTICLE V

Community Preservation Committee

[formerly Ch. 1, § 1.70, of the Bylaws]

§ 7-15. Establishment; membership; appointment; terms.

A. There is hereby established a Community Preservation Committee, consisting of nine voting members pursuant to MGL c. 44B, § 5. The Town Administrator shall appoint all members of the

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Committee whose appointment is not otherwise provided for, ~~of the Committee,~~ subject to ~~the~~ confirmation by the majority vote of the Board of Selectmen. The composition shall be as follows:

- (1) One member from the Conservation Commission as designated by the Commission, for a term of three years.
 - (2) One member from the Historical Commission as designated by the Commission, for a term of three years.
 - (3) One member from the Planning Board as designated by the Board, for a term of three years.
 - (4) One member from the Recreation Committee as designated by the Committee, for a term of three years.
 - (5) One member from the Open Space Committee as designated by the Committee, for ~~an initial~~a term of ~~one year and thereafter for terms of~~ three years.
 - (6) One member of the Housing Partnership Committee as designated by the Committee, for ~~an initial term of one year and thereafter for~~ a term of three years.
 - (7) Three additional at-large members to be appointed by the Town Administrator, ~~with the confirmation of the Board of Selectmen. One of which will be appointed for an initial term of one year and thereafter for three years and two members to be appointed for an initial term of two years and thereafter for terms of three years.~~ for terms of three years.
- B. Should any of the commissions, boards or committees listed above, no longer exist for whatever reason, the appointment shall become an at-large appointment in addition to the three listed above.

§ 7-16. Duties.

- A. The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation, including the consideration of regional projects for community preservation. The Committee shall consult with existing municipal boards, including the Board of Selectmen, Conservation Commission, the Historical Commission, the Planning Board, Recreation Committee and the Housing Partnership Committee. As part of its study, the Committee shall hold one or more public informational meetings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published at least two weeks before the public meeting in the official newspaper.
- 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, rehabilitation and restoration of historic resources, for the acquisition, creation ~~and~~, preservation, rehabilitation and restoration of land for recreational use, for the acquisition, creation, preservation and support of affordable housing and for rehabilitation or restoration of such open space, ~~historic resources, land for recreational use~~ and affordable housing that is acquired or created as provided by this ~~section~~article. With respect to affordable housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed lots. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.
- 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.

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ARTICLE VI

Agricultural Commission

[formerly Ch. 1, §§ 1.80-1.82, of the Bylaws]

§ 7-17. Purpose.

The purpose of the Agricultural Commission, sometimes hereinafter referred to as "the Commission," is to support commercial agriculture and other farming activities in the Town of Sturbridge. The Commission's duties shall include, but are not limited to, serving as facilitators for encouraging the pursuits of agriculture in Sturbridge; promoting agricultural-based economic opportunities in Town; acting as mediators, advocates, educators and/or negotiators on farming issues; working for preservation of prime agricultural lands; advising the Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Historical Commission, Board of Assessors and Open Space Committee, or any other appropriate Town boards, on issues involving agriculture and pursuing all initiatives appropriate to creating a sustainable agricultural community.

§ 7-18. Membership; appointment; terms; vacancies.

- A. The Agricultural Commission shall consist of five members appointed by the Town Administrator, subject to the confirmation by the majority vote of the Board of Selectmen. The majority of ~~which~~the Commission's membership shall be substantially engaged in the pursuit of agriculture or have previously been engaged in the pursuit of agriculture, or those that have a combination of education and/or experience that qualifies them to serve in this capacity. All members of the Commission must either be residents of the Town or owners and farmers of agricultural property within the Town.
- B. There may be up to three alternates appointed to the Commission by the Town Administrator, subject to the confirmation of the Board of Selectmen. Said alternates shall be designated by the Chair of the Commission to fill any vacancies at meetings of the Commission, regardless of the reason for vacancy.
- C. In making appointments, the Town Administrator shall consider the intent of the Commission to represent the agricultural interests of the Town.
- D. The members shall serve overlapping terms of three years. ~~For the first Agricultural Commission, the Town Administrator shall appoint two members for a term of three years, two members for a term of two years and one member for a term of one year. Thereafter, appointments shall be made for three-year terms.~~
- E. The Town Administrator shall fill a vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments, based upon the recommendations of the Commission.

ARTICLE VII

Tree Warden Advisory Committee

[formerly Ch. 1, §§ 1.83-1.89, of the Bylaws]

§ 7-19. Intent.

The Town of Sturbridge establishes the following bylaws for the protection and preservation of Town trees (trees on public land and Town parks, including shade trees as defined in ~~By Law~~bylaw, trees protected by ~~the~~Chapter 230, Scenic Roads ~~By Law~~of the Town bylaws, and Chapter 87 of the General Laws).

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§ 7-20. Establishment; membership; terms.

There is hereby created and established a Tree Committee, which shall consist of a minimum of five voting members appointed by the Town Administrator for three-year terms.

§ 7-21. Purpose.

It is the purpose of this Committee to:

- A. Protect and maintain Town trees in order to promote environmental, aesthetic, historical and community values.
- B. ~~To~~ Continue renewing Town trees by replanting for the benefit of future generations in Sturbridge.
- C. ~~To~~ Execute projects suggested by the Tree Warden and/or the Tree Committee consistent with protecting and maintaining Town trees for the purposes described in Subsection B above.
- D. Work towards sound policy formulation, administration, management, representation and advocacy regarding Town trees and all matters related thereto.
- E. Assist the Tree Warden in the completion of a yearly inventory of Town trees; identifying all "heritage trees" ~~and~~ a public shade tree specifically designated by the Department of Environmental Management, Urban Forestry Program, upon recommendation by the Town Tree Warden to be a heritage tree.
 - (1) Heritage trees may qualify for state funds for maintenance under this program.
 - (2) A tree may qualify as a heritage tree if it meets one or more of the following criteria:
 - (a) Old age ~~of~~ 100 years or greater; size ~~of~~ 32 inches diameter or greater;
 - (b) Species rarity;
 - (c) Association with a specific historical event or person;
 - (d) Healthy abnormality; e.g., shape, etc.;
 - (e) Scenic enhancement; e.g., trees around Sturbridge Common;
 - (f) Wildlife value.

§ 7-22. Duties and responsibilities.

- A. It shall be the responsibility of the Committee to aid the Tree Warden to study, investigate, counsel and develop and/or update and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas.
- B. The Committee, shall consider, investigate, make ~~finding~~ findings, report and recommend upon any special matter of question coming within the scope of its work.

§ 7-23. Operation.

The Committee shall choose its own officers, make its own rules and regulations and keep minutes of its meetings. The Committee shall meet at least four times a year. A majority of the voting members shall be a quorum for the transaction of business.

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§ 7-24. Interference with Committee.

It shall be unlawful for any person to prevent, delay or interfere with the Tree Committee or any of its agents, while engaging in and about the gathering of information, planting, cultivating mulching, pruning, spraying, or removing of any trees on public grounds, as authorized in this bylaw.

ARTICLE VIII

Sturbridge Tourist Association

[formerly Ch. 1, §§ 1.90-1.92, of the Bylaws]

§ 7-25. Purpose; budget; meetings.

A. The purpose of the Sturbridge Tourist Association is:

- (1) To have creative and budgetary oversight of the hotel/motel tax percentage that is placed in the Sturbridge Tourist Association Revolving Fund for the promotion of tourism. These funds are to be used for the marketing and implementation of tourism for the benefit of Sturbridge.
- (2) To maintain fiscal control by accepting and distributing, as necessary, the monies appropriated by the Annual Town Meeting for the purpose of planning, promoting and implementing tourism in Sturbridge. An amount approved by the Town Meeting shall be designated as broadly as possible to be dispersed by the Committee as outlined below.

B. The Sturbridge Tourist Association shall propose a budget that provides the following:

- (1) Funding for the promotion of tourism, with a portion directly for the marketing of all Sturbridge businesses involved in tourism.
- (2) Funding of an economic development/tourism position(s) as established by the Town Administrator and approved by the Board of Selectmen, and funding of any and all activities, as deemed appropriate by the Sturbridge Tourist Association, which aidsaid in the increased revenues to the Town of Sturbridge through the hotel/motel taxes.
- (3) Funding for multiple tourist-related events and activities in Sturbridge.

C. Goals. The Association:

- (1) Shall aid and support Sturbridge businesses directly involved in the Sturbridge tourism industry.
- (2) Shall promote, expand and facilitate tourism in Sturbridge, keeping in mind the general character of the Town and its natural resources.
- (3) In order to fulfill its obligations to the tourism industry and businesses in Sturbridge, it may, as necessary, request and conduct studies to understand the tourist climate, request/submit articles for review and inclusion in the Town Meeting Warrant with relation to its mandated purpose, and approach Town boards for permits necessary to implement its events/promotions and products.
- (4) Shall develop goals and a vision for tourism in Sturbridge, keeping in mind the general character of the Town and its natural resources, the commercial tourist and historical commercial zones and the best interestinterests of Sturbridge tourist-related businesses.

D. The Association shall meet quarterly at a minimum to review projects, budget and requests from Sturbridge townships and other groups.

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§ 7-26. Establishment; membership; terms.

- A. There is hereby created and established a Sturbridge Tourist Association (STA) which shall consist of five voting members. ~~Upon the effective date of this Bylaw the Town Administrator shall appoint or reappoint five members as detailed below. After the initial terms of these members, each future appointment shall be for a three-year term, serving staggered three-year terms.~~
- B. The Town Administrator shall appoint all members, subject to the confirmation by the majority vote of the Board of Selectmen, as follows:
- (1) Two members which either may be owners (or representatives) of a hotel/motel/inn/B&B located within the geographic boundary of Sturbridge, or owners or representatives of a tourist-related business (retail, restaurant or similar tourist-related activity) located within the geographic boundary of Sturbridge. ~~One of the appointees shall be appointed for an initial term of one year, and one to be appointed for an initial term of two years.~~
 - (2) Three Sturbridge residents at large, ~~one to be appointed for an initial term of three years, one to be appointed for an initial term of two years and one to be appointed for an initial term of one year.~~
- C. In the event that a vacancy exists for more than 60 days without a finding a qualified person to fill a particular category (resident or hotelier/tourist business), the Town Administrator may fill that vacancy with a qualified person from the other category until the next annual appointments are made.

ARTICLE IX

Sturbridge Lakes Advisory Committee

~~[formerly Ch. 1, §§ 1.95-1.97, of the Bylaws]~~

§ 7-27. Purpose and duties.

- A. ~~The purpose of the Sturbridge Lakes Advisory Committee is~~ to advise the Board of Selectmen on matters regarding the six Great Ponds (Big Alum Pond, Cedar Pond, Lead Mine Pond, Long Pond, South Pond and Walker Pond) in regard to protection, improvements or enhancements, to study and maintain records regarding the lakes and to serve as a mechanism to coordinate between the affiliated lake associations.
- B. The Committee will:
- (1) Serve as a coordinating committee between various Town departments, boards and the lake associations.
 - (2) Seek to improve public access to the Great Ponds.
 - (3) Develop consistent policies throughout each of the Great Ponds in matters of common interest (i.e., boating regulations or "rules of the road").
 - (4) Make recommendations regarding weed control through chemical and ~~non-chemical~~ nonchemical treatment and prevent spread between lakes through boater education.
 - (5) Identify funding opportunities and grants to improve lake and watershed quality.
 - (6) Prepare educational packages for Town residents on the lakes and watersheds.

§ 7-28. Membership.

The Committee shall consist of two members from each of the Lake Associations to be designated by the

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Lake Association to serve a three-year term; one member of the Conservation Commission designated by the Conservation Commission; ~~and~~ one member of the Board of Selectmen designated by the Board of Selectmen; and one member that is a representative of either the East Brimfield Dam or abutter to Long Pond.

Chapter 19 - FINANCES

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Valuation Books

[formerly Ch. 8, § 8.20, of the Bylaws]

§ 19-1. Annual publication.

The Board of Assessors shall annually publish a valuation book.

§ 19-2. Availability.

This publication shall be available in the Assessor's office and at the public library.

ARTICLE II

Departmental Revolving Funds

[formerly Ch. 8, § 8.60, of the Bylaws]

§ 19-3. Purpose.

This ~~by-law~~bylaw 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 MGL c. 44, § 53E 1/2.

§ 19-4. 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~~bylaw 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.
- B. No liability shall be incurred in excess of the available balance in 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 the fiscal year by the Board of Selectmen and Finance Committee.

§ 19-5. Interest.

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

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§ 19-6. Procedures and reports.

Except as provided in MGL c. 44 § 53E 1/2, and this ~~by-law~~bylaw, the laws, Charter provisions, ~~by-laws~~bylaws, 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~~bylaw. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charge 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.

§ 19-7. Authorized revolving funds.

A. Recreation Revolving Fund.

- (1) Fund name. There shall be a separate fund called the "Recreation Revolving Fund" authorized for use by the Recreation Committee.
- (2) Revenues. The Town Accountant shall establish the Recreation Revolving Fund as a separate account and credit to the fund all of the program fees, donations, gifts, private sponsorships, and facilities fees charged and received by the Recreation Committee in connection with the recreational programs and activities offered.
- (3) Purposes and expenditures. During each fiscal year, the Recreation Committee may incur liabilities against and spend monies from the Recreation Revolving Fund all of the costs associated with recreational programs, activities and facility improvements in connection with the recreational programs and activities offered.
- (4) Fiscal years. The Recreation Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

B. HazMat Cleanup Revolving Fund.

- (1) Fund name. There shall be a separate fund called the "HazMat Cleanup Revolving Fund" authorized for use by the Fire Chief.
- (2) Revenues. The Town Accountant shall establish the HazMat Cleanup Revolving Fund as a separate account and credit to the fund all of the insurance proceeds and other proceeds charged and received by the HazMat Team for services in connection with HazMat situations.
- (3) Purposes and expenditures. During each fiscal year, the Fire Chief may incur liabilities against and spend monies from the HazMat Revolving Fund for addressing hazardous materials spills and providing the Fire Department the means to bill insurance companies and refurbish supplies used in HazMat spills in connection with HazMat situations.
- (4) Fiscal years. The HazMat Cleanup Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

C. Board of Health Revolving Fund.

- (1) Fund name. There shall be a separate fund called the "Board of Health Revolving Fund" authorized for use by the Board of Health.
- (2) Revenues. The Town Accountant shall establish the Board of Health Revolving Fund as a separate account and credit to the fund all of the amounts received for temporary permits and licenses, fines levied by the Board of Health and fees for initial restaurant consultations, excess food service inspections, beach testing, and fees from complex Title 5 engineering services

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charged and received by the Board of Health in connection with the operation of the Board of Health.

- (3) Purposes and expenditures. During each fiscal year, the Board of Health may incur liabilities against and spend monies from the Board of Health Revolving Fund for payment for clerical support and staff required to service large events such as festivals and fairs, initial restaurant consultations and restaurant inspections beyond two per year, public health inspections, engineering, public health nursing and emergencies in connection with the operation of the Board of Health.
- (4) Fiscal years. The Board of Health Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

D. Board of Health Pay-As-~~you~~You Throw Program Revolving Fund.

- (1) Fund name. There shall be a separate fund called the "Board of Health Pay-As-You-Throw Revolving Fund" authorized for use by the Board of Health.
- (2) Revenues. The Town Accountant shall establish the Board of Health Pay-As-You-Throw Revolving Fund as a separate account and credit to the fund all of the program fees, including, but not limited to, receipts for program bags, stickers or other fees, that may be established from time to time and donations charged and received by the Board of Health in connection with the operation of the Pay-As-You-Throw Program- (PAYT).
- (3) Purposes and expenditures. During each fiscal year, the Board of Health may incur liabilities against and spend monies from the Board of Health Pay-As-You-Throw Revolving Fund for any and all costs associated with ~~the~~ planning, promoting or implementing the PAYT Program, or the operational expenses, equipment or supplies of the PAYT Program in connection with the operation of the PAYT Program.
- (4) Fiscal years. The Board of Health Pay-As-You-Throw Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

E. Senior Center Revolving Fund.

- (1) Fund name. There shall be a separate fund called the "Senior Center Revolving Fund" authorized for use by the Council on Aging.
- (2) Revenues. The Town Accountant shall establish the Senior Center Revolving Fund as a separate account and credit to the fund all of the program fees, private sponsorship, donations and participation fees charged and received by the Council on Aging in connection with the operation of the Senior Center.
- (3) Purposes and expenditures. During each fiscal year, the Council on Aging may incur liabilities against and spend monies from the Senior Center Revolving Fund for payment to instructors, presenters, service providers, supplies for special programs and repairs in connection with the operation of the Senior Center.
- (4) Fiscal years. The Senior Center Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

F. Planning Department Revolving Fund.

- (1) Fund name. There shall be a separate fund called the "Planning Department Revolving Fund" authorized for use by the Town Planner.

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- (2) Revenues. The Town Accountant shall establish the Planning Department Revolving Fund as a separate account and credit to the fund all of the fees for GIS support services, including fees collected for the development and printing of maps and other GIS data requests charged and received by the Planning Department in connection with GIS support services.
- (3) Purposes and expenditures. During each fiscal year, the Town Planner may incur liabilities against and spend monies from the Planning Department Revolving Fund for payment ~~for of~~ any and all costs associated with the Town's Geographic Information System, including the acquisition of software, hardware and maintenance of the same and supplies, data and the development and/or conversion of data, including the costs of consultant services to develop GIS -related products for the Town, or other related expenses in connection with the GIS support services.
- (4) Fiscal years. The Planning Department Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

G. Public Lands Revolving Fund.

- (1) Fund name. There shall be a separate fund called the "Public Lands Revolving Fund" authorized for use by the Conservation Commission.
- (2) Revenues. The Town Accountant shall establish the Public Lands Revolving Fund as a separate account and credit to the fund all of the fees from forestry management and donations charged and received by the Conservation Commission in connection with public lands.
- (3) Purposes and expenditures. During each fiscal year, the Conservation Commission may incur liabilities against and spend monies from the Public Lands Revolving Fund for the development and implementation of forestry management plans, trail development and maintenance, signage, trail maps, construction of foot bridges, purchase of supplies and development of access for public use, educational purposes and general maintenance of open space parcels owned by the Town in connection with public lands.
- (4) Fiscal years. The Public Lands Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

H. Sturbridge Tourist Association Revolving Fund.

- (1) Fund name. There shall be a separate fund called the "Sturbridge Tourist Association Revolving Fund" authorized for use by the Sturbridge Tourist Association.
- (2) Revenues. The Town Accountant shall establish the Sturbridge Tourist Association Revolving Fund as a separate account and credit to the fund all of the revenue generated through tourist events and promotions; program fees and donations charged and received by the Sturbridge Tourist Association in connection with tourism.
- (3) Purposes and expenditures. During each fiscal year, the Sturbridge Tourist Association may incur liabilities against and spend monies from the Sturbridge Tourist Association Revolving Fund for any and all costs associated with planning, promoting or implementing Sturbridge tourist-related events in connection with tourism.
- (4) Fiscal years. The Sturbridge Tourist Association Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

I. CPR Revolving Fund.

- (1) Fund name. There shall be a separate fund called the "CPR Revolving Fund" authorized for

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use by the Fire Chief.

- (2) Revenues. The Town Accountant shall establish the CPR Revolving Fund as a separate account and credit to the fund all of the program fees and donations charged and received by the Fire Department in connection with CPR classes.
- (3) Purposes and expenditures. During each fiscal year, the Fire Chief may incur liabilities against and spend monies from the CPR Revolving Fund for all costs for the support of the CPR classes offered by the Sturbridge Fire Department, including replacement of training materials in connection with CPR classes.
- (4) Fiscal years. The CPR Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

J. House Numbering Revolving Account.

- (1) Fund name. There shall be a separate fund called the "House Numbering Revolving Fund" authorized for use by the Fire Chief.
- (2) Revenues. The Town Accountant shall establish the House Numbering Revolving Fund as a separate account and credit to the fund all of the program fees and donations charged and received in connection with the house numbering program.
- (3) Purposes and expenditures. During each fiscal year, the Fire Chief may incur liabilities against and spend monies from the House Numbering Revolving Fund for all costs for the support of the house numbering program offered by the Sturbridge Fire Department in connection with house numbering program.
- (4) Fiscal years. The House Numbering Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018.

Chapter 43 - OFFICERS AND EMPLOYEES

[formerly Ch. 1, § 1.10, of the Bylaws]

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 43-1. Officers to be elected annually.

In addition to the officers required by law to be chosen at the Annual Town Meeting, the Town shall elect by ballot a Moderator for a term of three years and Library Trustees consisting of nine persons, 1/3 of whom shall be chosen annually and continue in office for three years without compensation.

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Chapter 50 - PROPERTY, SALE OF

[formerly Ch. 8, § 8.10, of the Bylaws]

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 50-1. Disposal procedures.

All personal property of the Town which is of no further use to the particular board, officer or department in charge of the same shall be disposed of in the following manner:

- A. The particular board, officer or department shall submit to the Selectmen a report in writing itemizing such property with an estimated value for each item.
- B. The Selectmen may transfer such property to another board, officer or department having a use for the same.
- C. The Selectmen shall from time to time sell or cause to be sold all such property not so transferred at a public sale after first giving notice of the time and place of sale by publication in the Southbridge Evening News and the Worcester Telegram and Gazette at least seven days before such sale. The Selectmen may scrap any property for which there was no buyer at such sale. All sale proceeds shall be paid into treasury of the Town upon receipt by the Selectmen.

§ 50-2. Property in charge of Selectmen.

Any such property in the charge of the Selectmen shall be disposed of in accordance with § 50-1B and C of this bylaw.

Chapter 62 - TOWN MEETINGS

[formerly Ch. 1, §§ 1.1-1.7, of the Bylaws]

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 62-1. Dates of Annual Town Meeting and Election.

The Annual Town Meeting for the election of Town officers shall be held on the second Monday in April. The Annual Town Meeting for the transaction of business shall be held on the first Monday in June.

§ 62-2. Meeting notice.

Notice of every Town Meeting shall be given by posting up three attested copies of the Warrant ~~therefore~~therefor: one at the Post Office in the center of Town, one at the Post Office in Fiskdale, and one in the lobby of the Town Hall, 14 days at least before the time for holding the meeting.

§ 62-3. Poll hours and location.

The Annual Town Meeting for the election of Town officers shall be called to order at 6:30 a.m. and the polls shall be opened immediately thereafter, and shall be kept open until 8:00 p.m. The Board of Selectmen shall designate a suitable place therefor.

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§ 62-4. Town Meeting time.

All Town Meetings for the transaction of business shall be called to order at 7:00 p.m. and shall be held at a suitable place designated by the Board of Selectmen. Any Special Town Meeting held on the same day as the Annual Town Meeting shall start immediately following the adjournment of the Annual Town Meeting.

§ 62-5. Attendance by unregistered persons; check of registered voters.

There shall be a designated place for people not registered as voters at each Town Meeting, and a check of all registered voters shall be made under the supervision of the Town Clerk at the entrance to each Town Meeting. Persons not registered as voters shall be required to sit in the place designated and set apart from the registered voters.

§ 62-6. Supermajority votes.

Whenever a two-thirds vote is required on any matter, the Moderator may declare a motion passed by voice vote of at least two-thirds in favor and a count need not be taken unless otherwise required by law or these bylaws. The Town Clerk shall record the Moderator's declaration that the motion passed by a two-thirds vote in favor.

§ 62-7. Parliamentary procedures.

~~That~~ The Town shall use Town Meeting Time as its reference for parliamentary procedure.

§ 62-8. Town Meeting requirements.

All Town officers, boards, committees, commissions, employees and all other parties submitting warrant articles for consideration at Town Meeting shall be required to comply with the following:

- A. The Planning Board shall prepare all Zoning Bylaw articles, hold a public hearing and forward the Planning Board's recommendations on said amendments to the Town Administrator no later than April 15 of the year in which the Annual Town Meeting ~~that~~ will consider the proposed articles.
- B. All other warrant articles to be considered by the Annual Town Meeting shall be submitted to the Town Administrator no later than March 1 of the year in which the Annual Town Meeting will consider said articles.
- C. The Town Administrator shall draft and prepare the warrant for the Board of Selectmen's consideration no later than March 15 of the year in which the Annual Town Meeting will consider said warrant.
- D. The Board of Selectmen shall close the warrant at ~~their~~its first meeting in the April of the year in which the Annual Town Meeting will consider said articles. Petitioned warrant articles will be accepted until the Board of Selectmen closes said warrant.
- E. Articles to be submitted for a Special Town Meeting held on the same date as the Annual Town Meeting shall be submitted to the Town Administrator no later than March 15 of the year in which the Special Town Meeting will consider said articles. The Town Administrator shall prepare a Special Town Meeting warrant and forward it to the Board of Selectmen no later than the last day of March of the year in which the Special Town Meeting will consider the said warrant. The Selectmen shall close said Special Town Meeting warrant at their first meeting in April preceding said Special Town Meeting.

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- F. The Board of Selectmen shall conclude ~~their~~ deliberations and include ~~their~~ recommendations to the Annual Town Meeting on both the Annual and Special Town Meeting warrants no later than the last Friday of April of the year in which the Annual Town Meeting will consider said warrant.
- G. The Finance Committee shall conclude ~~their~~ deliberations and include ~~their~~ recommendations to the Annual Town Meeting on both the Annual and any Special Town Meeting (if one is scheduled the same night as the Annual Town Meeting) warrants no later than the first Monday of May of the year in which the Annual Town Meeting will consider said warrant.
- H. The Board of Selectmen may, by majority vote, re-open the Town Meeting warrant at any time to add or remove articles until such time that the warrant is posted.

Chapter 105 — ALARMS

[formerly Ch. 8, §§ 8.40-8.52, of the Bylaws]

Formatt

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 105-1. Definitions.

For the purpose of this bylaw, the following terms, phrases, words and their derivations shall have the following ~~meaning~~~~meanings~~. The word "shall" is always mandatory and not merely directory.

ALARM APPEAL BOARD — The Board of Selectmen shall be designated the Alarm Appeal Board. The Chairman of the Board shall be the Chairman of the Alarm Appeal Board.

ALARM DEVICE — An assembly of equipment and devices or a single device such as solid-state unit which plugs directly into a 110-volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. In addition, any device which when activated by a criminal act calling for police response: (a) transmits a signal to the Safety Complex; (b) transmits a signal to a person who relays information to the Safety Complex; or (c) produces an audible or visible signal to which the police are expected to respond. Excluded from this definition and the scope of this bylaw are devices which are designed to alert or signal only persons within the premises in which the device is installed.

ALARM USER — Any person on whose premises an alarm system is maintained within the Town; the owner of any premises on which an alarm device is used, provided that an occupant who expressly accepts responsibility for an alarm device by registration pursuant to § 105-3 shall be deemed the alarm user. Excluded from this definition are:

- A. Town, county, state and federal agencies;
- B. Persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. However, if such an alarm system employs an audible signal or flashing light outside the premises, the user of such an alarm system shall be within the definition of "alarm user" and shall be subject to this bylaw; and
- C. The provisions of this bylaw shall not apply to alarm devices on the premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle or trailer.

AUTOMATIC DIAL ALARM — A telephone device or attachment that mechanically or electrically selects a telephone line to the Safety Complex and reproduces a prerecorded voice message to report a

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criminal act or other emergency calling for police response. Excluded from this definition are devices which relay a digital code signal to the Safety Complex.

CONTRACTOR — Any firm or corporation in the business of supplying and installing alarm devices or servicing the same.

FALSE ALARM — ~~(a)~~ The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or of his employees or agents; or ~~(b)~~ any signal or oral communication transmitted to the Safety Complex requesting, or requiring, or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises or no attempted robbery or burglary at a premises. Excluded from the definition are activation of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes, lightning and similar conditions.

POLICE CHIEF — The Chief of Police of the Town of Sturbridge or his designated representative.

POLICE or POLICE DEPARTMENT — The Town of Sturbridge Police Department, or any authorized agent thereof.

PUBLIC NUISANCE — ~~For the purpose of this bylaw, the term "Public Nuisance" means~~ Anything which annoys, injures or endangers the comfort, repose, health or safety of any person(s) or of any community or neighborhood.

TOWN — The Town of Sturbridge.

§ 105-2. Administrative rules.

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

§ 105-3. Registration required.

Each alarm user shall register his alarm device or devices with the Chief of Police prior to use; ~~provided that alarm devices in use as of the effective date of this bylaw may be registered no later than 60 days from such date.~~

§ 105-4. Registration procedure.

- A. Every alarm user shall register by means of filling out a form provided by the Chief of Police listing the names, addresses and telephone numbers of the users, installer or contractor and at least two 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 wherein the alarm system is installed. The list of the names, addresses and telephone numbers of the responders must be kept current at all times by the alarm user and shall be updated immediately. The Chief of Police shall issue the alarm user written acknowledgment of proper registration.
- B. There shall be a one-time registration fee ~~as set by the Board~~ of ~~\$25~~Selectmen, payable at the time of registration, and such funds shall be added to the Town's general fund.

§ 105-5. Confidential information.

All information in the possession of the Chief of Police concerning particular alarm users and alarm devices shall be confidential and shall not be divulged without the written consent of the alarm user or users concerned.

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§ 105-6. Systems using audible bells or horns.

- A. All alarm systems which use an audible bell or horn shall be equipped with an automatic shut-off device which will deactivate the alarm system within 10 minutes. ~~All Alarm users with an audible bell or horn must comply with this section within 90 days of the adoption of this bylaw.~~
- B. Any alarm which fails to comply with the above ~~paragraph~~Subsection A and emits a continuous ~~and~~ uninterrupted signal for more than 30 minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under the above ~~paragraph~~Subsection A of this section, and which disturbs the peace, comfort and repose of a community or neighborhood of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor to contact the alarm user, or the members of the alarm user's family or those persons designated by the alarm user under this ~~section~~bylaw in an effort to abate the nuisance. The Police Chief shall record the time each complaint was made.
- C. In the event that the Police Chief is unable to contact the alarm user or member of the alarm user's family or those persons designated by the alarm user under Subsection B of this section ~~or~~ the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system and if the Police Chief is otherwise unable to abate the nuisance, he may direct a police officer or firefighter or a qualified alarm technician to enter upon property outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.
- D. After entry upon property has been made in accordance with this section and the nuisance abated, the Police Chief shall have the property secured, if necessary. The reasonable costs and expense of abating a nuisance in accordance with this section may be assessed to the alarm user, ~~said assessment not to exceed \$50.~~ These funds shall be deposited in the Town's general fund.

§ 105-7. Testing of equipment.

No alarm system designed to transmit emergency messages directly to the Police Department shall be worked on, tested or demonstrated without obtaining permission from the Police Department. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the Police Department. An unauthorized test constitutes a false alarm.

§ 105-8. Automatic dial alarm interconnection to Safety Complex.

- A. No automatic dial alarm may be installed after the effective date of this bylaw without the prior approval of the Chief of Police.
- B. The automatic dial alarm shall be regulated so as to not repeat the message more than two times.

§ 105-9. False alarm charges.

When the Chief of Police determines that the Police Department has responded to a false alarm, he shall impose a charge on the responsible alarm users ~~according to the following schedule.~~ The Board of Selectmen shall determine the charges.

~~A. — 1st to 3rd false alarm: \$25.~~

~~B. — Each subsequent false alarm: \$50.~~

§ 105-10. Notification of false alarm; right to appeal.

- A. The Police Chief shall notify the responsible alarm user of any false alarm charges by mail. Within 14 days after the mailing of such notice, the alarm user may file written notice with the Chief of Police to include information to show that the alarm was not a false alarm within the meaning of this bylaw.
- B. The Chief of Police shall consider such information, reaffirm or rescind the false alarm charge, and notify the alarm user of his decision by mail. Each notice of a false alarm charge or a reaffirmation of such a charge by the Police Chief to the alarm user shall refer to and provide instructions concerning the alarm user's right to further recourse by filing an appeal with the Appeal Board.
- C. Within 14 days after mailing of such notice, the alarm user may file with the Board of Selectmen, ~~herein after~~hereinafter referred to as the "Alarm Appeal Board," an appeal in writing.

§ 105-11. Appeal to Alarm Appeal Board.

- A. Upon the receipt of a timely appeal from a false alarm charge, the Alarm Appeal Board shall hold a hearing to consider it and shall mail notice of the time and place of said hearing to the alarm user making the appeal at his last known address at least 14 days before the hearing.
- B. On the basis of information provided by the alarm user and other information introduced at the hearing, the Board shall affirm the charge if it finds that the charge was properly imposed or rescind the charge if the charge was not properly imposed.
- C. If the Board finds that the charge was properly assessed, the charge shall be paid immediately.

§ 105-12. Disposition of charges and fees.

Charges for false alarms will be collected by the Town Treasurer and deposited into the Town's general fund.

§ 105-13. Limitation on Town liability.

- A. Notwithstanding the provisions of this bylaw, the Town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm device or of the alarm monitoring facilities at the Safety Complex.
- B. No liability whatsoever is assumed for the failure of such alarm devices or monitoring facilities or for failure to respond to alarms or for any other act or omission in connection with such alarm device.
- C. Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents and employees from liability in connection with the alarm user's alarm device.

§ 105-14. Enforcement.

The Town, upon authorization by the Selectmen, may institute civil proceedings to enforce the provisions of this bylaw.

§ 105-15. Severability.

The invalidity of any part or parts of this bylaw shall not affect the validity of the remaining parts.

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Chapter 110 - ALCOHOLIC BEVERAGES

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Server Training

[formerly Ch. 7, § 7.60, of the Bylaws]

§ 110-1. Training required.

Any licensee holding an all alcohol, including seasonal, ~~efor~~ beer and wine license shall participate in a program designed to train employees who engage in either package sales, pouring and/or serving in methods of observation and detection to avoid selling or serving to intoxicated persons and/or minors. This program will be based on the type of license issued.

§ 110-2. Eligible programs.

Listed below are programs that are currently available that meet the requirements of this policy:

- A. Techniques of Alcohol Management (~~T.A.M.~~TAM), sponsored by the Massachusetts Package Store Association~~;~~
- B. Training for Intervention Procedures by Servers of Alcohol (TIPS)~~),~~ offered by Health Communications and Alcohol Intervention Methods (AIM) Campbell/Trent~~, OR;~~ or
- C. Any insurance industry approved and qualified program offered by a certified trainer and approved by the Board of Selectmen.

§ 110-3. Applicability; time frame for compliance.

All personnel shall be required to participate in a training program based on the type of license issued. ~~Establishments will have six months to comply with this policy from the date of its adoption or by the 1999 license renewal by having 75% of their eligible employees trained and certified. After that time, New employees will have 90 days from the date of employment to complete one of the training programs. Each establishment must have all personnel trained and certified by the 2000 license renewal.~~

§ 110-4. Roster of trained personnel.

All establishments must maintain~~u~~ during operating hours in an accessible place, a roster or certificate of trained personnel.

- A. An updated roster shall be submitted with the annual application for renewal of the license.
- B. The roster shall include:
 - (1) Employee name.
 - (2) Employee date of birth.
 - (3) Type of training.
 - (4) Date valid.
 - (5) Date of expiration.

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- (6) Date of hire.

§ 110-5. Recertification.

All personnel shall be required to be ~~re-certified~~recertified once every three years by an approved program, above noted.

§ 110-6. Violations and penalties.

Failure to comply with this policy may result in revocation of the license. Fines may also be levied against the license holder should any violation of this policy occur.

Chapter 115 - ANIMAL CONTROL

[formerly Ch. 5 of the Bylaws]

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 115-1. Definitions.

The following words and phrases ~~areas~~ used in this bylaw, unless the context otherwise requires, shall have the following meanings:

DOMESTIC ANIMALS — For the purpose of this bylaw the following animals will be considered domestic animals: cats, dogs, rabbits, guinea pigs, mice, hamsters, ferrets, gerbils, fish, reptiles, horses, llamas, birds (not to include chickens, turkeys and birds of prey).).

FARM ANIMALS — All non-domestic animals shall be considered farm animals.

FIELD TRIAL — The use of a dog for hunting or gaming purposes.

KEEPER — A person other than the owner, ~~;~~ harboring or having in his possession any animal.

PERSON — Includes ~~;~~ corporations, societies, associations, individuals and partnerships.

PUBLIC NUISANCE

- A. An animal, whether licensed or unlicensed, owned or kept in the Town of Sturbridge, which:
- (1) Is elsewhere than on the premises of its owner or keeper or on the premises of another person with the knowledge and express permission of such person, unless such animal is:
 - (a) Attached to and restrained by a suitable restraining device and is under the care and custody of a person competent to restrain it so that it shall not be a threat to public safety.
 - (b) Engaged in hunting, or training ~~therefore~~therefor, and is supervised by a person competent to restrain it so that it shall not be a threat to public safety.
 - (2) Persistently and prolongedly barks or howls or makes other noises between the hours of 10:00 p.m. and 7:00 a.m. for more than two consecutive days.
- B. The mere muzzling of an animal shall not prevent it from being a public nuisance.

§ 115-2. Prohibited conduct.

- A. No owner or keeper of an animal shall permit such animal to be a public nuisance in the Town of Sturbridge.
- B. No owner or keeper of an animal shall place or store animal wastes adjacent to property lines or in such a manner as to create ~~and any~~ odor and/or health problem for adjoining property owners.

§ 115-3. Enforcement.

The Animal Control Officer shall enforce the provisions of ~~the~~this bylaw and to that end he shall have authority to seek complaints in the District Court for violations thereof. He shall investigate complaints of alleged violations of this bylaw. He shall also apprehend any animal found by him to be a public nuisance and impound such animal in a suitable place or order the owner or keeper thereof to restrain it.

§ 115-4. Procedure following impoundment.

- A. Notice to owner or keeper. The Animal Control Officer shall immediately notify the owner or keeper of any animal impounded by him under the provisions of this bylaw if such owner or keeper is known by him. If such owner or keeper is not known by him, no notice shall be necessary.
- B. Redemption of impounded animals. The owner or keeper of any animal impounded under the provisions of this bylaw may redeem such dog ~~provided~~ he first:
 - (1) Reimburses the Animal Control Officer for his expenses at the rate ~~of \$35~~set by the Board of Selectmen for his handling and care of the animal.
 - (2) Procures from the Town Clerk a license and tag for any such animal that requires a license and is not licensed.
- C. Disposition of unredeemed animals. Any animal which has been impounded under the provisions of this bylaw and has not been redeemed by its owner or keeper within 10 days shall be disposed of. Dogs shall be disposed of in accordance with the provisions of MGL c. 140, § 151A-§ _____, as amended.

§ 115-5. Field trials.

No person shall conduct a field trial involving dogs in the Town of Sturbridge without first procuring a permit therefor from the Animal Control Officer. Any such permit shall contain such limitations as the Animal Control Officer shall deem reasonably necessary to prevent such dogs from being a threat to public safety or a public nuisance.

§ 115-6. Handling of receipts.

The Animal Control Officer shall keep an account of all money received by him under the provisions of this bylaw and shall forthwith pay over such moneys to the Town Treasurer. He shall file with the Town Accountant a monthly statement of all fees/fines collected during the preceding month.

~~**Violations and penalties.**~~

~~Each day in which a violation of this bylaw is permitted to continue shall be deemed a separate offense.~~

- ~~A. Violations of § 115-2. Any person violating the provisions of § 115-2 of this bylaw shall be liable to a fine in accordance with the following schedule of fines: If it is the first offense committed by such~~

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~~person within a calendar year, there shall be verbal warning; if it is the second offense (written warning) so committed in the Town in the calendar year, the fine shall be \$25; if it is the third offense so committed in the Town in the calendar year, the fine shall be \$50; and if it is the fourth or subsequent offense so committed in the Town in the calendar year, the fine shall be \$100.~~

~~B. Violations of § 115-5. Any person violating the provisions of § 115-5 of this bylaw shall be liable to a fine not exceeding \$25 for the second offense and \$50 for each offense thereafter.~~

§ 115-7. Licensing of dogs.

- A. Every owner of a dog that is over the age of six months ~~or older~~ must license the dog and ensure that its rabies vaccination is up-to-date.
- B. An owner must secure a license each year and provide proof of vaccination at the time of licensing.
- C. The licensing year will run from January 1 to December 31 of each year.
- D. Licenses must be obtained by March 31 of each year or the owner will be assessed a late fee.
- E. Fees for licensing and late fees shall be set by the Town Clerk and may be amended from time to time, consistent with state law.
- F. A dog license may be obtained by mail by providing a copy of the dog's rabies vaccination, the fee and owner and address information, as per the instruction on the Annual Town Census which is mailed out to every household in January of each year.

§ 115-8. ~~Unlicensed dogs~~ Violations and penalties.

~~The owner of any dog found without a current license shall be subject to a fine of \$25. Whoever violates and provision of this bylaw is subject to a penalty as set forth in Chapter 1, Article I, § 1-3 of the Town bylaws.~~

Chapter 123 - BOATS AND BOATING

[formerly Ch. 3, § 3.4, of the Bylaws]

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 123-1. Wakes.

No person shall operate any boat or other vehicle in such a manner as to create a wake during periods of high water on Quamquasit Lake (South Pond). "High water" is defined as water that is at or above 601 feet above sea level.

Town of Sturbridge Final Draft (Red-Line)

Chapter 129 - BUILDINGS AND BUILDING CONSTRUCTION

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Building Code

[formerly Ch. 8, § 8.30, of the Bylaws]

§ 129-1. State Building Code adopted.

The Building Code of the Town of Sturbridge shall be the most recent issue of the Building Code for the Commonwealth of Massachusetts, as amended from time to time.

ARTICLE II

Building Numbering

[formerly Ch. 7, § 7.70, of the Bylaws]

§ 129-2. Numbers required; specifications.

Under the provisions of MGL c. 148, § 59, Display of Street Address Number on Buildings: Use in Enhanced 911 Service, every building in the Town of Sturbridge, including, but not limited to, dwellings, apartment buildings, condominiums and business establishments, shall have affixed thereto a number representing the address of such building. Said number, as assigned by the Board of Assessors, shall comply with the requirements of the State Building Code and shall be of a permanent weatherproof material, at least threefour inches in height and 2 1/2 inches wide with a stroke width of 0.5 inch, and shall be situated on the building so that it is legible from the nearest street or road providing vehicular access to such building. Said number shall be Arabic numbers and/or alphabet letters in colors contrasting to the background.

§ 129-3. Number not legible from street.

Should the numbers on a building not be legible from the street on which the building fronts, as determined by the Fire Chief or his representative, a second number of the same minimum requirements shall be placed on two sides of a post or mailbox near the property line adjacent to the main entrance to the building site from a public or private way.

§ 129-4. Number required for occupancy permit; time frame for compliance.

No occupancy permit for any structure shall be issued until the number has been properly affixed. It shall be the responsibility of each property owner in the Town of Sturbridge to display and maintain the assigned street number within 90 days of the adoption of this bylaw.

§ 129-5. Violations and penalties.

Whoever violates any provision of this section bylaw is subject to a penalty of \$20, under a non-criminal disposition, as contained set forth in the Town of Sturbridge General Bylaws, Chapter 1, Article I, § 1-3 of the Town bylaws.

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§ 129-6. Enforcement.

Notwithstanding any Town of Sturbridge bylaw to the contrary, the municipal personnel for enforcement of this ~~section~~bylaw shall be the Police Department, Building Inspector or the Fire Chief; or their designees. Each day in which any violation exists shall be deemed a separate offense.

Chapter 137 - DEMOLITION DELAY

[formerly Ch. 2, §§ 2.30-2.37, of the Bylaws]

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[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 137-1. Intent and purpose.

This bylaw is enacted for the purpose of preserving and protecting significant buildings and structures within the Town of Sturbridge which constitute or reflect distinctive features of the architectural, historical or cultural history of the Town and to limit the detrimental effect of demolition on the character of the Town. Through this bylaw, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings and residents of the Town are alerted to impending demolitions of significant buildings. By preserving and protecting significant buildings, streetscapes and neighborhoods, this bylaw promotes the public welfare by making the Town a more attractive and desirable place in which to live and work. To achieve these purposes, the Historical Commission is authorized to advise the Building Inspector with respect to demolition permit applications. The issuance of demolition permits is regulated as provided by this bylaw.

§ 137-2. Definitions.

As used in this bylaw, the following terms shall have the meanings indicated:

APPLICANT — Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

APPLICATION — An application for the demolition of a building.

BUILDING — Any combination of materials forming a shelter for persons, animals, or property.

BUILDING INSPECTOR — The person occupying the Office of Building Inspector or otherwise authorized to issue demolition permits.

COMMISSION — The Town of Sturbridge Historical Commission or its designee.

DEMOLITION — Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

DEMOLITION PERMIT — The building permit issued by the Building Inspector for a demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building.

PREFERABLY PRESERVED — Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved rather than demolished. A preferably preserved building is subject to the six-month demolition delay period of this bylaw.

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SIGNIFICANT BUILDING — Any building within the Town which is in whole or in part 100 years or more old and which has been determined by the Commission or its designee to be significant based on any of the following criteria:

- A. The building is listed on, or is within an area listed on, the National Register of Historic Places; or
- B. The building has been found eligible for the National Register of Historic Places; or
- C. The building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or
- D. The building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder), either by itself or in the context of a group of buildings.

§ 137-3. Procedure for issuance of demolition permits.

- A. No demolition permit for a building which is found to be a "significant building" shall be issued without following the provisions of this bylaw. If a building is of unknown age, it shall be assumed that the building is over 100 years old for the purposes of this bylaw.
- B. An applicant proposing to demolish a building subject to this bylaw shall file with the Building Inspector an application containing the following information:
 - (1) The address of the building to be demolished.
 - (2) The owner's name, address and telephone number.
 - (3) A description of the building.
 - (4) The reason for requesting a demolition permit.
 - (5) A brief description of the proposed reuse, reconstruction or replacement.
 - (6) A photograph or photograph(s) of the building.
- C. The Building Inspector shall, within seven days, forward a copy of the application to the Commission. The Commission shall, within 30 days after receipt of the application, make a written determination of whether the building is significant.
 - (1) Upon determination by the Commission that the building is not significant, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.
 - (2) Upon determination by the Commission that the building is significant, the Commission shall so notify the Building Inspector and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building ~~Commissioner~~Inspector within 30 days of receipt of the application, the Building Inspector may proceed to issue the demolition permit.
 - (3) If the Commission finds that the building is significant, it shall hold a public hearing within 30 days of the written notification to the Building Inspector. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in Town Hall for a period of not less than seven days prior to the date of said hearing, and the applicant and the Building Inspector shall be notified in writing of the meeting time and place.

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- D. The Commission shall decide at the close of the public hearing or within 14 days after the close of the public hearing whether the building should be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed.
- (1) If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.
 - (2) If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may then be issued for a period of six months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Inspector in writing within 21 days after the close of the public hearing, the Building Inspector may issue the demolition permit.
 - (3) Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of six months from the date of the determination unless otherwise agreed to by the Commission.
- E. No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Inspector and have been found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy, including without limitation any necessary zoning variances, special permits or other relief, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.
- (1) The Building Inspector may issue a demolition permit or a building permit for a preferably preserved building within the six months if the Commission notifies the Building Inspector in writing that the Commission finds that the intent and purpose of this bylaw is served even with the issuance of the demolition permit or the building permit.
 - (2) Following the six-month delay period, the Building Inspector may issue the demolition permit.

§ 137-4. Administration.

The Commission may adopt such rules and regulations as are necessary to administer the terms of this bylaw. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this bylaw. The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee. The Commission may proactively develop a list of significant buildings that will be subject to this bylaw. Buildings proposed for the significant building list shall be added following a public hearing.

§ 137-5. Emergency demolition.

If, after an inspection, the Building Inspector finds that a building subject to this bylaw is found to pose an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building or structure, then the Building Inspector may issue an emergency demolition permit to the owner of the building or structure. The Building Inspector shall then prepare a report explaining the condition of the building and the basis for his decision, which shall be forwarded to the Commission.

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§ 137-6. Enforcement; violations and penalties.

- A. The Commission and/or the Building Inspector are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this bylaw or to prevent a threatened violation thereof.
- B. Any owner of a building subject to this bylaw that demolished the building without first obtaining a demolition permit in accordance with the provisions of this bylaw shall be subject to a fine of not more than \$300. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission.
- C. If a building subject to this bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.

§ 137-7. Historic District Act.

Following a determination that the building is significant and preferably preserved, the Commission may recommend to Town Meeting that the building be protected through the provisions of Massachusetts General ~~Law, Laws~~ Chapter 40C, the Historic Districts Act. The steps required under MGL Chapter 40C shall be followed prior to the establishment of a Local Historic District. Nothing in this bylaw shall be deemed to conflict with the provisions of the Historic District Act, MGL Chapter 40C. If any of the provisions of this bylaw do so conflict, that Act shall prevail.

§ 137-8. Severability.

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

Chapter 142 - DESIGN REVIEW

[formerly Ch. 1, § 1.30, of the Bylaws]

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 142-1. Purpose; advisory role of Design Review Committee.

The purpose of this bylaw is for the regulation of the architectural, signage, and landscaping design in all nonresidential zoning districts to preserve for the citizens of Sturbridge the natural and architectural qualities and historical assets that the Town has developed throughout the years. The Design Review Committee shall serve as an advisor to the Building Inspector and in the cases of projects requiring special permits and/or site plan approval shall serve as an advisor to the Planning Board and/or the Zoning Board of Appeals as may be appropriate.

§ 142-2. Interpretation.

This bylaw is hereby declared to be remedial and protective and is to be so construed as to secure the beneficial interest and purpose thereof.

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§ 142-3. Design Review Committee.

The Town Administrator shall appoint a Design Review Committee consisting of five members; such appointments shall be subject to confirmation by a majority vote of the Board of Selectmen. The Board members shall be appointed for a three-year term, with one member's term to expire in each of the three years.

§ 142-4. Review of plans by Committee.

The ~~Board~~Committee shall meet when plans have been submitted for its review. The ~~Board~~Committee shall determine the acceptability or unacceptability of the plans and notify the applicant, Building Inspector, Planning Board and/or Zoning Board of Appeals, as may be appropriate, of its decision within 30 days of receipt of the plans.

§ 142-5. Standards for judging plans.

The Design Review Committee shall apply the following standards in considering plans; that the:

- A. Proposed project is consistent with the Design Review Committee Handbook and Design Guidelines (adopted March 8, 2011, as may from time to time be amended).
- B. Specific site is appropriate for the proposed design.
- C. Design will not create a hazard for traffic or pedestrians.
- D. Proposed design is in keeping with the character of the Town in general, and with the specific neighborhood in particular. (As a general guide, considering the historical nature of the central portion of the Town, buildings should be of style which would have been used in the middle of the 19th Century.)
- E. Proposed project and landscaping will provide buffers, if required, from the surrounding properties.
- F. Planned parking is adequate.
- G. Proposed lighting is satisfactory.
- H. Plans are in accord with other bylaws of the Town.

§ 142-6. Review prior to issuance of permits.

- A. All new construction of nonresidential buildings and/or landscaping in the Commercial, General Industrial and Industrial Park Districts shall be reviewed by the Design Review Committee prior to the issuance of a building permit.
- B. All nonresidential alterations affecting 10% of the street facade or 25% of the exterior of an existing building in a Commercial District will require that the plans be submitted to the Committee for review prior to the issuance of a building permit by the Building Inspector.
- C. Changes in exterior plans will require ~~re-submission~~resubmission to the Design Review Committee for review. Design changes without this review shall result in the cancellation of the building permit by the Building Inspector.
- D. Each plan shall be judged on its own merits and shall not be considered a precedent.

§ 142-7. Appeals.

A person aggrieved by the refusal of the Building Inspector to approve a submitted plan may appeal to the Zoning Board of Appeals.

§ 142-8. Severability.

If any section, subsection, sentence, clause, or portion of this bylaw is held, for any reason, to be illegal, invalid, or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of any remaining portions hereof.

Chapter 148 - EARTH REMOVAL

[formerly Ch. 3, §§ 3.9-3.20, of the Bylaws]

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 148-1. Permit required; exceptions.

The removal of sand, earth or gravel, ~~sub-soil, top soil or earth~~ and the processing and treating of said materials shall be conducted only by a permit issued by the Board of Selectmen. This bylaw is being applied in conjunction with § 300 4.6 of the Zoning Bylaws Chapter 300, Zoning, Article XII, of the Town bylaws. This bylaw shall not apply to such operations which are incidental to and in connection with the construction of a building on a lot.

§ 148-2. Exceptions.

A. This chapter shall not apply to the following:

- (1) The excavation of a foundation or site preparation for a new structure, for which a valid building permit is in force, provided the amount of material to be removed will not exceed 5,000 cubic yards.
- (2) The grading and/or landscaping in connection with the construction of a new structure as approved by the Planning Board.
- (3) The construction or reconstruction of a residential driveway if otherwise permitted.
- (4) The excavation and grading in connection with construction of a subdivision as approved by the Planning Board.
- (5) The removal of less than 50 cubic yards in a twelve-month period.
- (6) The grading in connection with a bona-fide agriculture operation.

B. The Board of Selectmen may approve the removal of sand, gravel or earth in excess of 50 cubic yards but not to exceed 2,000 cubic yards on a one-time basis under the following conditions:

- (1) The application must be accompanied by a plan or plans showing:
 - (a) The property lines.
 - (b) The area to be excavated.

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- (c) The distance from the property lines to the area to be excavated.
 - (d) The approximate contours before and after excavating.
- (2) The excavation is to be at least 20 feet from the lot lines unless the Board of Selectmen deems otherwise.

§ 148-3. Permit for removal.

The Board of Selectmen may, after public hearing for which notice has been given by publication and posting as provided in MGL c. 40A, grant a permit for the removal of more than 50 cubic yards in a twelve-month period.

~~Permit; applicability.~~

~~Removal of sand, earth or gravel and the processing and treating of said materials shall be conducted only by a permit from the Board of Selectmen. This chapter shall not apply to such operations which are incidental to and in connection with the construction of a building on a lot.~~

§ 148-4. Application contents.

Any application for a permit for the removal of sand, earth or gravel or for the processing and treating of said materials shall be accompanied by a site plan depicting the land to be affected by such operation. In addition to complying with the minimum site plan requirements of § 148-2, the site plan shall indicate the following:

- A. Contours at intervals of not more than 10 feet;
- B. A placement of at least four inches of compacted topsoil over all excavated, filled or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to ensure uniform growth and soil surface stabilization;
- C. Finished grades are not to exceed a slope of one ~~foot~~ vertical to two feet horizontal; and
- D. Existing removal area(s) and the proposed area(s) for removal in the immediate future.

§ 148-5. Conditions.

Any permit granted for the removal of sand, earth or gravel or for the processing and treating of said materials shall contain the following mandatory conditions:

- A. Removal and processing operations shall not be conducted closer than 50 feet to a public street or to any property line, except in the case of dams, swimming pools or where retaining walls are to be constructed.
- B. All equipment, except mobile equipment, for sorting, washing, crushing, grading, drying, processing, and treating, or other operation machinery, shall not be used closer than 100 feet ~~from~~ to any public street or ~~from~~ to any adjoining property lines.
- C. Any access to excavated area or areas in the process of excavation shall be adequately posted with KEEP OUT - DANGER signs.
- D. Any work or bank that slopes more than 30° downward adjacent to a public street shall be adequately fenced at the top.

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- E. A substantial fence shall be provided enclosing the excavation or quarry where any excavation or quarry will extend under original ground level or will have a depth of 10 feet or more and create a slope of more than one -foot vertical to two feet horizontal. Such fence shall be located 10 feet or more from the edge of the excavation or quarry, and shall be at least six feet in height.
- F. Adequate provision is to be made for drainage during and after the completion of operations.
- G. Adequate lateral support shall be maintained for all adjacent properties.
- H. The use of explosives shall be done in accordance with the regulations for storage and handling of explosives as published by the Massachusetts Department of ~~Public Safety~~Fire Services and the Sturbridge Fire Department.
- I. Provision shall be made for the adequate control of dust during operation.
- ~~J. There shall be replacement of at least four inches of compacted topsoil over all excavated, filled or otherwise disturbed surfaces. There shall also be seeding with a perennial crop, re-seeded as necessary to ensure uniform growth and soil surface stabilization.~~
- ~~K~~J. Finished grades shall not exceed a slope of one -foot vertical to two feet horizontal.
- ~~L~~K. It is recognized that the land reuse of a removal site is in the public interest. Therefore, land reuse plan(s) must be submitted to the Board of Selectmen for approval, subject to the regulations set forth in the following paragraphs:
 - (1) The Board of Selectmen may require that up to three approved alternative future land reuse plans be submitted for such land as is used for the extraction of earth, sand, gravel and rock.
 - (2) Said land reuse plan and its implementation applies to the conversion of the abandoned site and its planned reuse, including landscaping and erosion control. It is, therefore, required that any land reuse plan correspond to a situation which could reasonably occur in the immediate future zero to five years, and be revised as necessary as ~~to~~ the existing physical character of the removal area changes.
 - (3) The land reuse plan or any part thereof which reasonably applies to an area which has been abandoned from removal use shall be put into effect within one year of the abandonment of said operation.
 - (4) A bond in an amount stated by the Board of Selectmen shall be posted to ensure the satisfactory implementation of the reuse plan.

§ 148-6. Impact on property value.

Excavation and grading shall be executed in such a manner as not to result in holes, depressions, stagnant water, soil erosion, drainage or sewerage problems or other conditions which would depress the land values or impair the property for use for which it has been zoned.

~~- Finished slopes in excavated areas shall not exceed one foot vertical to two feet horizontal.~~

~~Distance from street and property lines.~~

~~Except in the case of dams, swimming pools, or where retaining walls are to be constructed, no removal or excavation shall be within 50 feet of any street or property line.~~

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§ 148-7. Equipment storage.

Unless the property to be graded is located in an industrial district, no earth excavating machinery or trucks shall be stored within 300 feet of any property line or street line, and no machinery for sorting, grading, crushing or for other processing of the excavated material shall be erected, except a temporary shelter for machinery or office.

§ 148-8. Site restoration.

After excavation or removal, the premises shall be cleared of debris, a top layer of topsoil of at least four inches in depth shall be spread over the finished subgrade, and the final surface shall conform to the proposed finished contours and grades. No areas shall be excavated in such manner that the finished grade is below the water table.

§ 148-9. Performance bond.

A performance bond, in form and amount specified by the Board of Selectmen, shall be filed with the Treasurer of the Town of Sturbridge, and said bond shall specify the time within which the work under the permit is to be completed and shall guarantee satisfactory performance of the work.

§ 148-10. Expiration and revocation of permits.

- A. Expiration. Any permit issued by the Board of Selectmen as herein described shall expire within two years of the date of the permit, but may be renewed by the Board of Selectmen for an additional period of time if the Board deems such action satisfactory.
- B. Revocation. The Board of Selectmen may revoke the permit and may take other action as shall be necessary either against the permittee or surety in the bond, to cause completion of the work forthwith in accordance with the terms of the application and permit, if the work ~~or of~~ excavating, removal, grading or ~~re-grading~~regrading is not being performed in accordance with said forms.

§ 148-11. Violations and penalties.

The Board may revoke or suspend at any time any permit issued hereunder for violation of any provisions or conditions of this bylaw. Penalties for violation of any provision or conditions of this bylaw shall be provided under MGL c. 40, § 21, Clause 17.

Chapter 156 – FARMING

[formerly Ch. 3, §§ 3.80-3.85, of the Bylaws]

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[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 156-1. Legislative purpose and intent.

- A. The purpose and intent of this bylaw is to state with emphasis the right to farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder, including but not limited to MGL c. 40A, § 3(4), first paragraph; MGL c. 90, § 9 ~~and~~, MGL ~~Ch. 3c. 111~~, § 125A and MGL c. 128, § 1A. We the citizens of the Town of Sturbridge restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

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- B. This ~~General~~-bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities and protects farmlands within the Town of Sturbridge by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This bylaw shall apply to all jurisdictional areas with the Town.

§ 156-2. Definitions.

The following words and terms shall have the meaning stated below:

- A. Farm. The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture or accessory thereto, provided that the lot is not less than five acres. Small-scale specialty operations that do not meet the five-acre requirement will be reviewed on a case-by-case basis by the Agricultural Commission.
- B. The words "farming" or "agricultural" or their derivatives shall include but not be limited to the following:
- (1) Farming in all its branches and the cultivation and tillage of the soil;
 - (2) Dairying;
 - (3) Production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural or horticultural commodities;
 - (4) Growing and harvesting of forest products upon forest land and by any other forestry or lumbering operations in accordance with the Town of Sturbridge Forestry Bylaw;
 - (5) Raising of livestock, including horses;
 - (6) Keeping of horses as a commercial enterprise; and
 - (7) Keeping and raising of poultry, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels) and other domesticated animals for food and other agricultural purposes, including bees and ~~fur-bearing~~ animals.
- C. "Farming" shall encompass activities including, but not limited to, the following:
- (1) Operation and transportation of slow-moving farm equipment over roads within the Town;
 - (2) Control of pests, including but not limited to insects, weeds, predators and disease ~~organism~~ organisms of plants and animals;
 - (3) Application of manure, fertilizers and pesticides; organic farming is encouraged;
 - (4) Conducting agriculture-related educational and farm-based recreational activities, including ~~agri-tourism~~ agritourism, provided that the activities are related to marketing the agricultural output or services of the farm;
 - (5) Processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand, including signage thereto;
 - (6) Maintenance, repair or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management or sale of the agricultural products; and
 - (7) On-farm relocation of earth and the clearing of ground for farming operations.

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§ 156-3. Right to farm declaration.

The right to farm is hereby recognized to exist within the Town of Sturbridge. The above-described agricultural or farming activities may occur on holidays, weekdays and weekends by day or night and shall include attendant incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that the impact that may be caused to others through the normal and lawful practice of agriculture is offset by the benefits of farming to the neighborhood, community and society in general. The benefits and protections of this bylaw are intended to apply to those commercial agricultural and farming operations and other noncommercial farming activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed to effectuate an acquisition of any interest in land or as the imposition of any land use regulation which is properly the subject of state statute, regulations or local zoning law.

§ 156-4. Disclosure notification.

Within 30 days after this bylaw becomes effective, the Selectmen shall prominently post within the Town limits the following disclosure: "It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a Town where farming activities occur. Such farming activities may include, but are not limited to, activities that may cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations."

§ 156-5. Resolution of disputes.

- A. Any person who seeks to complain about the operation of a farm, or its effects may, notwithstanding any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, Zoning Board of Appeals, Conservation Commission or Board of Health, depending on the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Town authority so notified shall forward a copy of the grievance to the Agricultural Commission or its agent, which may review and facilitate the resolution of the grievance and report its recommendations to the referring Town authority within an agreed-upon time frame.
- B. The Board of Health, especially in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which may review and facilitate the resolution of the grievance and report its recommendations to the Board of Health within an agreed-upon time frame.

§ 156-6. Severability.

If any part of this bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of Sturbridge hereby declares the provisions of this bylaw to be severable.

Chapter 161 - FOREST HARVESTING

[formerly Ch. 3, §§ 3.30-3.35, of the Bylaws]

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[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 161-1. Purpose and scope.

The purpose of this bylaw is to conserve the forest landscape and prevent over-harvesting while protecting sensitive areas and encouraging good forestry practices. This bylaw shall apply to forest harvesting operations within the Town of Sturbridge.

§ 161-2. Definitions.

As used in this bylaw, the following terms shall have the meanings indicated:

CLEAR-CUTTING — A harvesting and regeneration technique that removes all the trees, regardless of size, on an area in one operation. Clear-cutting is most often used with species like aspen or black cherry, which require full sunlight to reproduce and grow well, or to create specific habitat for certain wildlife species. Clear-cutting produces an even-aged forest stand.

SELECTIVE HARVESTING — A regeneration cut designed to create and perpetuate an uneven-aged forest. Trees may be removed singly or in small groups. A well-designed selection cut removes trees of lesser quality and trees in all diameter classes along with merchantable and mature high-quality sawlog trees. Should be differentiated from "select" or "selective cuts, which often equate to high-grading.

§ 161-3. Best practices.

It is strongly recommended that the harvester follow the practices in the latest edition of the Massachusetts Forestry Best Management Practices of Timber Harvesting Water Quality Handbook Manual.

§ 161-4. Notification required.

The Town shall be notified for selective harvesting of forest products on more than four acres of land in any twelve-month period and for clear-cutting on more than two acres of land.

§ 161- 5. Approval procedure.

No loggingharvesting operation shall commence unless the landowner has received the Board of Selectmen's written consent (the "certificate of approval"). The landowner shall comply with the terms and conditions set forth herein, except to the extent modified in the certificate of approval.

A. To obtain a certificate of approval, the applicant must submit the following materials to the office of the Town Administrator:

- (1) Copy of state-certified cutting plan signed by State Forester and copy of overall plot plan.
- (2) Proof of notification to the Sturbridge Conservation Commission.
- (3) Correspondence from the DPW Director regarding driveway permitpermits as required by Sturbridge General Bylaws, Section 6.60Chapter 250, Article IV, Driveway Construction Permits, of the Town bylaws and proposed bonding for road repairs and/or erosion control.

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- (4) Certified list of abutters within 200 feet of the cutting area.
 - (5) Proof of landownership and/or a notarized letter from the landowner giving permission to harvest or to gain access to harvesting operations if the operation requires access from property other than that being harvested.
 - (6) Copy of Massachusetts state timber harvester's license.
 - (7) Reforestation plan for clear-cutting projects.
 - (8) Filing fee in an amount set by the Board of \$10Selectmen.
- B. The office of the Town Administrator shall forward the applicant's information to the Board of Selectmen, Department of Public Works and Conservation Department for review and comment.
- C. The Board of Selectmen shall hold a public hearing on each application for a certificate of approval, notice of which hearing shall be published in a local newspaper. The cost of such notice is to be borne by the applicant. The applicant must mail notice of said public hearing by certified mail, return receipt requested, to all parties on the certified abutters list at least seven days prior to the hearing date. The form of said notice shall be provided by the office of the Town Administrator.

§ 161-6. Hearing.

The applicant shall appear at the time and date of the scheduled hearing and shall furnish proof of notification to abutters by certified mail. At this time, the applicant may bring dated photographs showing the condition of all access roadways prior to the operation in order to document the condition of said roadways and avoid repair claims post-operation. The Board of Selectmen shall hear comments from any and all interested parties.

§ 161-7. Restrictions and conditions.

- A. The Board of Selectmen has established certain reasonable restrictions and conditions for loggingharvesting permits issued within the Town. They are:
- (1) LoggingHarvesting operations shall be allowed Monday through Friday (with no harvesting on recognized Massachusetts legal holidays) from 7:00 a.m. to dusk; and on Saturdays from 8:00 a.m. until 12:00 ~~p.m.~~ noon; no Sunday or holiday hours~~;~~.
 - (2) Prior to the commencement of loggingharvesting operations, the applicant shall coordinate transportation with the Town's school bus schedule to avoid conflict between loggingharvesting operations and school bus operations~~;~~.
 - (3) Work shall be performed when the ground is dry, frozen or otherwise stable~~;~~.
 - (4) A ~~\$5,000~~ road maintenance bond in an amount set by the Board of Selectmen after consultation with the DPW Director shall be submitted to the Town Administrator before work commences to ensure that repairs are made to any Town roads damaged as a result of the subject forestry harvest project, and the Town may additionally require a performance bond to ensure erosion control measures before, during and, for a reasonable period of time, after the proposed operation. Said bond shall be released by the Treasurer upon inspection and a satisfactory finding by the DPW Director.
 - (5) A licensed timber harvester is identified prior to commencement.
 - (6) The DPW Director and Conservation Agent must be notified before starting work.

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- B. In addition, the Selectmen may issue additional restrictions and conditions as deemed necessary by the Board of Selectmen.

§ 161- 8. Violations and penalties.

Every person or contractor violating any provision of this bylaw shall be punished by a fine of \$50. Every violator of any provision of this bylaw shall be guilty of a separate offense for every day such violation shall continue and shall be subject to the penalty imposed by this section for each and every separate offense.

Chapter 167 – GAMBLING

[formerly Ch. 7, § 7.40, of the Bylaws]

Formatt

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 167-1. Compliance with statutory requirements.

All ~~sponsoring~~ organizations and their members sponsoring raffles, bazaars, Monte Carlo, Las Vegas, Casino Gambling or other similar functions shall comply with MGL c. 271 § 7A, and the Rules and Regulations of the Massachusetts State Lottery Commission, and any additional regulations ~~of the Massachusetts State Lottery Commission, and any additional regulations~~ pertaining to the raffles, bazaars, Monte Carlo, Las Vegas, Casino Gambling, or other similar functions ~~and further~~.

§ 167-2. Permit required.

Every organization sponsoring an above-described function must hold a valid raffle and bazaar permit.

§ 167-3. Submission and investigation of permit application.

Every organization contemplating holding an above-described function shall notify the Town Clerk, in writing by application, of its intent at least 15 days prior to the function. Upon receipt of such application, the Clerk shall determine whether it is in conformity with MGL ~~Chc.~~ 271, § 7A. If the Clerk so determines, he or she shall forward the application to the Chief of Police of the Town of Sturbridge, who shall determine whether the applicant is qualified to operate raffles and bazaars under MGL c. 271, § 7A. If the Chief of Police so determines, he shall endorse the application and return it to the Clerk, who shall forthwith issue a permit.

§ 167-4. Application information.

Every organization contemplating holding an above-described function shall submit the following information to the Chief of Police in writing, at least 15 days prior to the function:

- A. A list of all the members of the organization and the date those persons became members;
- B. The name of the member in charge of the function;
- C. A list of the members who are to be working at the function and a description of their duties;
- D. The time and place at which the function is to be held;
- E. A sketch of the premises in which the event is to be held, including the location of all tables, cashier

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booths and ~~counting rooms~~; counting rooms;

- F. The name of the vendor supplying the game equipment;
- G. The name of the representative of the vendor who may be on the premises during the function. Such person shall not work on the floor or game during the function. No further permits will be issued to an organization which violates this provision;
- H. A copy of the rental agreement relative to the game equipment~~;~~;
- I. A copy of the rental agreement for the premises in which the function is to be held, unless held in the organization's own quarters, in which case that fact must be stated.

§ 167-5. Occupancy limits.

The owner or authorized occupant of the premises used for the function shall ensure that the number of people on the premises does not exceed that which is stipulated by the occupancy permit.

§ 167-6. Hours of operation.

The function shall not commence before 7:00 p.m. and it shall terminate no later than 1:00 a.m., but in no event shall the function run longer than five hours.

§ 167-7. Participation by minors prohibited.

No person under 18 years of age shall take part in any of these functions.

§ 167-8. Acceptable games.

The only acceptable games at the function shall be as follows:

- A. Category 1: Craps, Black Jack, Roulette.
- B. Category 2: Big Six, Wheel Games, Money Wheel.
- C. Category 3: Chuck-a-Luck, Under and Over Seven, Beat the Dealer.

§ 167-9. Security.

A uniformed off-duty police officer shall be employed by the organization at the expense of the organization. Such officer shall be designated by the Chief of Police. The officer's duties shall include protecting the patrons and ensuring compliance with these provisions. The officer shall remain on the premises until the function is closed.

§ 167-10. Limit on number of games.

No organization shall sponsor more than one function per six-month period.

§ 167-11. Posting of approval.

Approval of the function must be posted in the place at the time of the function.

§ 167-12. Severability.

If any provision of this bylaw or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision of the said bylaw, or the application thereof, which can be given effect without the said invalid provisions or application thereof, and for this purpose the provisions of the bylaw are severable.

Chapter 183 - LAND DEVELOPMENT AND REMEDIATION

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Cleanup and Redevelopment of Contaminated Sites Zoned for Commercial or Industrial Development

[formerly Ch. 3, §§ 3.90-3.93, of the Bylaws]

§ 183-1. Intent.

It is the intent of the Town to offer tax abatements to encourage the continued environmental cleanup and redevelopment of sites that are zoned for industrial and/or commercial use that are contaminated with oil and/or other hazardous materials.

§ 183-2. Authority to negotiate agreements.

The Town Administrator is hereby authorized to work to negotiate agreements regarding the payment of outstanding real estate ~~tax~~tax obligations, interest and ~~penalties~~costs, including abatement of those amounts needed to make a cleanup and redevelopment project economically feasible. Said agreement may also contain additional incentives, financial and otherwise, as may be deemed appropriate.

§ 183-3. Scope, terms and conditions of agreements.

- A. Agreements may cover property contaminated with oil or other hazardous materials and must be zoned for commercial or industrial use.
- B. Agreements may be entered into only with new, innocent purchasers who did not own the site at the time the oil or hazardous material was released and did not cause or contribute to its release.
- C. Agreements must specify the details agreed to regarding payment of any outstanding obligations, including the amount owed, rate of interest to accrue, if any, amount of monthly payments, payment schedule, late penalties and other terms. These obligations may consist of outstanding real estate taxes or other financing packages negotiated with the Town.
- D. Agreements must be signed by the Board of Selectmen and property owner and must be notarized and attested to by the Town Clerk. Copies must be provided to the ~~Massachusetts Commissioner of Revenue~~, Massachusetts Department of Environmental Protection, United States Environmental Protection Agency, Board of Assessors and the property owner.

§ 183-4. Approval of agreements.

All agreements must be approved by a majority vote of the Board of Selectmen.

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Chapter 189 - LICENSES AND PERMITS

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Criminal History Background Checks

[formerly Ch. 7, § 7.80, of the Bylaws]

§ 189-1. Scope of authority.

This bylaw ~~is~~

~~The by-law further~~ authorizes the Board of Selectmen, in consultation with the Chief of Police, to promulgate regulations to implement this ~~by-law~~bylaw, which may include, but shall not be limited to, establishment of submission deadlines, procedures for making recommendations to the licensing authority or making a licensing decision as a result of the criminal history check, procedures for assessing, correcting or amending any such record, criteria for fitness determinations, security of information obtained and penalties for failure to comply with this ~~by-law~~bylaw.

§ 189-2. Licenses requiring checks; procedure.

- A. The Police Department shall, as authorized by MGL c. 6, § 172B 1/2, conduct state and federal fingerprint-based criminal history checks for individuals listed on the license application, for the following licenses, including renewals and transfers thereof:
- (1) Solicitors and peddling or other door-to-door salespeople, in accordance with the licensing requirements set forth in ~~General Bylaw~~ Chapter 221-Peddling and Soliciting, of the Town bylaws;
 - (2) Pawn dealers;
 - (3) Hackney and livery drivers; and
 - (4) Ice cream ~~Truck~~trucks.
- B. At the time of fingerprinting, the Police Department shall notify the individual being fingerprinted that the fingerprints will be used to check the individual's criminal history records and, prior to such fingerprinting, obtain the individual's consent. After the applicant completes a consent form, provides his/her fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this ~~by-law~~bylaw to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services ("~~DCJIS~~") and/or the FBI, or the successors of such agencies, as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks for the license applicants specified in this ~~by-law~~bylaw.
- C. The Town authorizes the Massachusetts State Police, the DCJIS and the FBI and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this ~~by-law~~bylaw. The Town authorizes the Police Department to receive and utilize state and FBI records in connection with such background checks, consistent with this ~~by-law~~bylaw and ~~its~~sits implementing regulations.

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- D. In accordance with its implementing regulations as adopted pursuant to ~~Section 7.81~~ § 189-1 of this bylaw, the Police Department shall communicate the results of fingerprint-based criminal record background checks only to authorized governmental licensing authority within the Town, as necessary. The Town's regulations shall also provide that state and FBI criminal history obtained pursuant to this ~~by-law~~ bylaw is confidential, will not be disseminated to unauthorized entities, shall be stored in a secure and confidential manner and shall be destroyed pursuant to DCJIS requirements.

§ 189-3. Use of criminal record by licensing authorities.

- A. 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~~ bylaw. 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 licensed activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.
- B. Licensing authorities of the Town are hereby authorized to deny an application for any license specified herein and in the implementing regulations, including renewals and transfers of said licenses, from any person who is determined unfit for the license due to information obtained pursuant to this ~~by-law~~ bylaw. Factors that shall be considered in making a determination of fitness shall include, but not be limited to, whether the record subject has been convicted of, or is under pending indictment for, a crime, that bears upon the subject's ability or fitness to serve in that capacity, including any felony or a misdemeanor that involved force or threat of force, possession of a controlled substance, or sex-related offense.

§ 189-4. Fees.

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be \$100 for each fingerprinting and criminal history check. A portion of the fee, as specified in MGL c. 6, § 172B 1/2, 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.

§ 189-5. When effective.

This ~~by-law~~ bylaw shall take effect after compliance with MGL c. 40, § 32 have been met.

ARTICLE II

Denial, Revocation or Suspension for Failure to Pay Fees and Charges

[formerly Ch. 8, § 8.00, of the Bylaws]

§ 189-6. List of delinquent taxpayers.

The Finance Director (Treasurer/Collector) shall annually, and may periodically, 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 ~~loals~~ local taxes, fees, assessments, betterments or other municipal charges 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.

§ 189-7. Authority to deny, revoke or suspend.

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 Finance Director (Treasurer/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 ~~for~~ 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 Finance Director (Treasurer/Collector); provided, however, that written notice is given to the party and the Finance Director (Treasurer/Collector), as required by applicable provision of law, and the party is given a hearing, to be held not earlier than 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 Finance Director (Treasurer/Collector) shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this ~~section~~ bylaw shall not be reissued or renewed until the license authority receives a certificate issued by the Finance Director (Treasurer/Collector) that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, ~~payables~~ payable to the municipality as the date of issuance of said certificate.

§ 189-8. 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 conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

§ 189-9. Waivers.

The Selectmen may waive such denial, suspension or revocation if they find 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 MGL c. 268A § 1, in the business activity conducted in or on said property.

§ 189-10. Exceptions.

That following licenses and permits shall be exempt from the provisions of this bylaw:

Chapter <u>MGL c. 48, Section-§ 13</u>	Open burning
Chapter 85, Section 11A	Bicycle Permits
Chapter <u>MGL c. 101, Section-§ 33</u>	Sales or articles for charitable purposes
Chapter <u>MGL c. 149, Section-§ 69</u>	Children work permits
Chapter <u>MGL c. 140, Section-§ 21E</u>	Clubs, association dispensing food or beverage licenses.
Chapter <u>MGL c. 140, Section-§ 137</u>	Dog license
Chapter <u>MGL c. 131, Section-§ 12</u>	Fishing, hunting, trapping licenses
Chapter <u>MGL c. 207, Section-§ 28</u>	Marriage license
Chapter <u>MGL c. 140, Section-§ 181</u>	Theatrical events, public exhibition permits

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Chapter 194 – LITTERING

[formerly Ch. 3, §§ 3.5-3.8, of the Bylaws]

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 194-1. Littering prohibited.

No person shall place or cause to be placed upon public or private land not owned by the responsible party, litter, trash, earth, construction or other materials without the landowner's consent.

§ 194-2. Violations and penalties.

Whoever violates this bylaw shall be punished by a fine of ~~\$200~~\$300, according to MGL c. 40, § 21D.

§ 194-3. Continuing offenses.

Each day during which such violation is permitted to continue shall be deemed a separate offense.

Chapter 199 - MANUFACTURED HOUSING COMMUNITIES

[formerly Ch. 4, § 4.10, of the Bylaws]

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 199-1. Purpose.

The purpose of this ~~chapter~~bylaw is to provide standards for the licensing, construction and operation of manufactured housing communities to protect the health and safety of the occupants of those communities and of the public in the Town of Sturbridge.

§ 199-2. License and special permit required; hearing; issuance.

Every person, firm or corporation desiring to operate a manufactured housing community within the Town of Sturbridge shall make application to the Sturbridge Board of Health for a license to operate said community. The Sturbridge Board of Health, after a public hearing, reasonable notice of which shall be published once in the local newspaper, may grant a license for the operation of the manufactured housing community. However, action on the license shall be withheld until the applicant has secured a special permit from the Planning Board for the construction of the community.

§ 199-3. License term; annual renewal.

The license, unless suspended or revoked, shall expire on the 31st day of December in the year of first issue, but may be renewed annually upon application without such notice and hearings. Upon the granting of a license of renewal for the operation of a manufactured housing community, the Sturbridge Board of Health will forward a copy of said license or renewal to the Sturbridge Town Clerk.

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§ 199-4. Fees.

The fee for the original license and for each renewal license shall be established by the Board of Health. In addition to the above license fee, each ~~trailer-coach-park~~manufactured housing community owner or operator shall pay an additional fee per month or major fraction thereof, on account of each occupying space within the said community. Said license fee shall be collected by the operator from the owner or occupant of each home so occupying space in such community at the end of each said month or major fraction thereof, ~~and~~and shall be deposited with the Collector of Taxes in the Town of Sturbridge no later than the 10th day of the month next following. The manufactured housing community operator shall, no later than the ~~5th~~fifth day of each month, file with the Sturbridge Board of Health, a list containing the amount collected along with the name and address of each owner or occupant of a home occupying space during the preceding month. The Sturbridge Board of Health shall forthwith commit the list to the Collector of Taxes in the Town of Sturbridge for collection. The Collector of Taxes shall, once in each week or oftener, pay over to the Treasurer all money received by him in the preceding week or lesser period on account of such license fees. Each subject to the license fee provided for in this section shall be exempt from any property tax as provided in MGL c. 59, § 5, Paragraph 36.

§ 199-5. Definitions.

As used in this bylaw, the following terms shall have the meanings indicated:

COMMUNITY — Any lot or tract of land upon which three or more structures occupied for dwelling purposes are located, including any buildings, structures, fixtures and equipment used in connection with the community.

MANUFACTURED HOME — A structure designed, built, and installed in conformance with the National Construction and Safety Standards, which is transportable in one or more sections and which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to the required utilities and includes plumbing, heating, air conditioning and electrical systems contained therein.

§ 199-6. Regulations.

~~Any person, firm or corporation~~In order to obtain a license for the operation of a manufactured housing community, any person, firm or corporation shall comply with the following regulations:

- A. The applicant for a manufactured housing community shall provide the Board of Health with all documents submitted to the Planning Board with the special permit application.
- B. The applicant shall provide a plan that contains at a minimum, the following:
 - (1) Parcel boundaries, North arrow, date, legend, title;
 - (2) Name and address of the record owner or owners, the applicant and the design engineer and/or land surveyor that prepared the plan;
 - (3) The names of abutters as determined from the most recent Assessor's records;
 - (4) The names, approximate location and widths of adjacent streets;
 - (5) Lot lines with areas, frontage and depth dimensions, unit placements and common areas;
 - (6) Proposed roadway grades, street profile and cross-section details for all roads in the development. All roadways shall be designed in accordance with Chapter 350, Subdivision Regulations.

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- (7) Official soil percolation tests for the purpose of siting wastewater treatment options shall be required as determined by the Board of Health and the Planning Board. However, a narrative explanation shall be prepared by a Massachusetts-certified professional engineer detailing the proposed wastewater systems that will be utilized by the development and its likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether individual on-site or off-site systems, shared systems, alternative to Title V systems, or any combination of these or other methods will be utilized. Additionally, the narrative shall describe potential flows and shall explain how the proposal will meet Massachusetts Department of Environmental Protection (MADEP) and local standards for wastewater systems, whether individual or shared.
 - (8) A plan prepared by a Massachusetts-certified professional engineer detailing the proposed stormwater management system along with stormwater calculations that support the design.
 - (9) A narrative explanation prepared by a Massachusetts-certified professional engineer, detailing the proposed drinking water supply system.
 - (10) A description of all open space and community facilities proposed.
 - (11) A landscaping plan prepared by a certified landscape architect.
- C. Lots in a community shall not be less than 75 feet wide or less than 100 feet deep. Only one home will be allowed on a lot.
 - D. The operator shall provide a supply of potable water sufficient in quantity and pressure to meet the needs of residents.
 - E. All manufactured housing ~~Community's~~communities shall be served by a hard-surfaced road, not less than 20 feet in width and with a radius at all turns of not less than 50 feet, ~~measuring~~measured at the center line of the roadway.
 - F. The manufactured housing community owner or operator will provide for the parking of vehicles entirely off the paved roadway.

§ 199-7. Management of community; posting of rules and regulations.

- A. No person shall conduct, control, manage or operate, directly or indirectly, a manufactured housing community unless he is the holder of a license for the same, and said license shall be posted in a conspicuous place within the confines of the manufactured housing community.
- B. Every person who shall conduct, control, manage or operate, directly or indirectly, any licensed manufactured housing community shall post in a conspicuous place near the entrance to the manufactured housing community a copy of the rules and regulations adopted under MGL c. 40, § 32B, as most recently altered and amended.

§ 199-8. Recreational facilities.

Any manufactured housing community containing a minimum of 50 homes must have a recreational building of no less than 1,000 square feet, with an additional 500 square feet for each additional 50 homes or fraction thereof. The recreational facility must provide heat, electricity, kitchen and sanitary facilities at a minimum.

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§ 199-9. Health requirements.

The Sturbridge Board of Health shall notify the State Department of Public Health of the granting or renewal of the manufactured housing community license and said Department shall have jurisdiction to inspect the premises so licensed to determine that the sources of water supply and the works for the disposition of the sewage of such premises are sanitary. If upon inspection of such premises said Department finds the sources of water supply to be polluted or the works for the disposition of the sewage to be unsanitary, or both of such conditions, said Department shall forthwith notify the Sturbridge Board of Health and such licensee that is ~~effected~~affected by registered mail, and the Sturbridge Board of Health shall forthwith prohibit the use of any water supply found by said Department to be polluted.

§ 199-10. Correction of violations; suspension or revocation of license.

Unless such ~~licensees~~licensees shall, within 30 days following the giving of such notice, correct the conditions at such premises to the satisfaction of both the State Department of Public Health and the Sturbridge Board of Health, the license so granted shall be suspended or revoked by the Sturbridge Board of Health. Any license so suspended may be reinstated by such Board when the conditions at such premises, as to sources of water supply and works for the disposition of sewage, are satisfactory to the State Department of Health and the Sturbridge Board of Health. The Sturbridge Board of Health may adopt, and from time to time alter or amend, rules and regulations to enforce this section.

§ 199-11. Inspections.

The Sturbridge Board of Health shall from time to time examine all manufactured housing communities licensed by it, and if, upon such examination, such manufactured housing community is found to be in an unsanitary condition, said Board of Health may, after notice and a hearing, suspend or revoke the license.

§ 199-12. Violations and penalties.

Whoever conducts, controls, manages or operates a manufactured housing community in the Town of Sturbridge, Massachusetts, which is not licensed by the Sturbridge Board of Health, shall be punished by a fine as may be established by the Board of Health.

§ 199-13. Appeals.

Any person aggrieved by any act, rule, order or decision of the Sturbridge Board of Health, may appeal to the Superior Court. After suspension or revocation, the license may be reinstated or reissued if the conditions leading to the suspension have been remedied and the park is being maintained and operated in full compliance with the law.

Chapter 205 - NEWSPAPER DISPENSING DEVICES

[formerly Ch. 2, §§ 2.0-2.2, of the Bylaws]

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 205-1. Definition.

The term "newspaper dispensing device" as used in this bylaw shall mean a mechanical, coin-operated container constructed of metal or other material of substantially equivalent strength and durability, not more

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than 50 inches in height and not more than 26 inches in length and width.

§ 205-2. Permit and application.

- A. Applications for rental permits allowing the maintenance or installation of newspaper dispensing devices on public property along the streets and thoroughfares within the Town may be made to, and on forms approved by, the Building Inspector.
- B. The Building Inspector shall approve or deny the application. Denial shall only be for reasons of public safety, stating the reasons for such denial. Approval shall be subject to the following terms.

§ 205-3. Location restrictions.

Newspaper dispensing devices shall be placed at such locations as applied for and determined by the Building Inspector neither to (1) cause an undue safety hazard, nor (2) interfere with the right of the public to safe use of the streets and thoroughfares, nor (3) constitute a nuisance as a dangerous structure as described in MGL c. 139, § 1; provided further, however, that no newspaper dispensing devices shall be placed, installed, used, or maintained:

- A. Within 10 feet of any fire hydrant or other emergency facility;
- B. Within 10 feet of any intersecting driveway, alley or street;
- C. Within three feet of any marked crosswalk;
- D. At any location where the width of the clear space in any direction for the passage of pedestrians is reduced to less than four feet;
- E. Within 250 feet of another newspaper dispensing device containing the same newspaper or periodicals, except that (subject to Subsection B above) the Building Inspector may permit two such dispensing devices near an intersection where such placement would not impair traffic or otherwise create a hazardous condition; or
- F. In any location where three newspaper dispensing devices are already located;
- G. Anchored or secured to any tree.

§ 205-4. Conditions.

Any rental permit granted shall be upon the following conditions:

- A. The permittee shall pay a rental fee ~~of \$10 per year or any part thereof, as set by the Board of Selectmen~~ for each of its devices at each location where a newspaper dispensing device is installed.
- B. The permittee, upon the removal of a newspaper dispensing device, shall restore the public property to the same condition as when the device was initially installed, ordinary wear and tear excepted.
- C. The permittee shall maintain the device in good working order and in a safe and clean condition, and shall keep the immediate area surrounding such device free from litter and debris resulting from the device or its intended or foreseeable use.
- D. The permittee shall not use a newspaper dispensing device for advertising signs or publicity ~~purposes~~ other than that dealing with the display, sale or purchase of the newspaper sold thereby.
- E. The permittee shall save and hold the Town harmless from any and all liability and expense, including

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attorneys' fees, for any reason whatsoever occasioned by the installation, maintenance or use of each newspaper dispensing device and shall furnish, at the permittee's expense, such general comprehensive liability insurance as will protect the permittee and the Town from all claims for damage to property of bodily injury, including death, which may arise from the operation under the permit or in connection therewith. Such policy shall name the Town as an additional insured and shall be in the amount of not less than \$100,000 combined single limit for injury to persons and/or for damage to property and shall provide that the insurance coverage shall not be canceled or reduced by the insurance carrier without 30 days' prior written notice to the Town. A certificate of such insurance shall be provided to the Town prior to the issuance of the permit and shall be maintained before and at all times during the installation of such devices;.

- F. Rental permits shall be for a term of one year and shall not be assignable.

§ 205-5. Appeals.

A person aggrieved by a decision by the Building Inspector in refusing to grant or revoking a rental permit shall have a right to appeal to the Board of Selectmen. Such appeal shall be taken by filing a notice of appeal, including a statement of the grounds for appeal, with the Board of Selectmen within 10 calendar days after notice of the decision by the Building Inspector has been given. The Board of Selectmen shall set the time and the place for hearing such appeal and notice of such time and place shall be given. The Selectmen shall have the power to reverse, affirm or modify the decision of the Building Inspector, and any decision made by the Selectmen shall be final.

Chapter 216 - PEACE AND GOOD ORDER

[formerly Ch. 7, § 7.20, of the Bylaws]

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[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 216-1. Prohibited conduct for theaters, concerts and premises serving alcoholic beverages.

No person shall offer to view, set up, maintain, carry on, or engage in, in accordance with MGL c. 140, § 181 or § 183A or MGL c. 138, § 12, or any amendment or revision thereof, such acts or conduct being deemed as contrary to the public need, the common good and the preservation of public order.

- A. Except as otherwise authorized by law, it is forbidden to employ or permit any person, including entertainers, in or on the licensed premises while unclothed or in such attire so as to expose to view or to display the naked areola, pubic hair, the cleft of the buttocks, the anus, vulva, or genitals.
- B. It is forbidden to employ or permit any person, including entertainers, to mingle with patrons while unclothed or in attire prescribed in Subsection A.
- C. It is forbidden for any person, including entertainers, in or on the licensed premises to touch, caress or fondle the breasts, buttocks or genitals of any other person.
- D. It is forbidden for any person, including the entertainers, to wear or use any device openly exposed to view as described in Subsection A which simulates the breasts, buttocks, pubic hair, genitals, vulva, anus or any portions thereof.
- E. It is forbidden to employ or permit any person, including entertainers, in or on the licensed premises to perform any act or acts, or simulates the act or acts of:

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- (1) Sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, fellatio, flagellation or other sexual acts prohibited by law.
- (2) Touching, caressing or fondling of the breasts, buttocks, or genitals of another.

§ 216-2. Visual displays.

It is forbidden to employ or permit any person, including entertainers, in or on the licensed premises to show motion-picture films, ~~television type cassettes~~, still pictures or other photographic reproductions depicting any of the acts, or simulation of acts, prohibited in § 216-1.

§ 216-3. Violation of other laws.

In addition to the foregoing, no person licensed under MGL c. 140, § 181 or § 183A or MGL c. 138, § 12 or any revision or amendment thereof, shall employ, use the services of or permit on licensed premises any employee, including entertainers, or other persons who by lack of attire or conduct violates any like General Law, Special Act, or bylaw of the Town of Sturbridge.

§ 216-4. Severability.

If any provision of this bylaw or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision of the said bylaw, or the application thereof, which can be given effect without the said invalid provisions ~~or~~ application thereof, and for this purpose the provisions of the bylaw are severable.

Chapter 221 - PEDDLING AND SOLICITING

[formerly Ch. 7, §§ 7.0-7.10, of the Bylaws]

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[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 221-1. Definitions.

The following words as used in this bylaw, unless the context otherwise requires, shall have the following ~~meaning:~~ meanings:

CANVASSING — The act of asking people in an area what they think about a candidate, project, idea, etc.

HAWKING — The selling of items on foot, from a vehicle or a portable stand, on or adjacent to a public way or property.

PEDDLING — The same as soliciting.

SOLICITING — The traveling by foot, automobile or any other type of conveyance from place to place, or from house to house for the purpose of:

- A. Taking or attempting to take orders for the sale or lease of goods, wares, merchandise, or services;
- B. Requesting or attempting to request contributions for any purpose, including the selling, distributing or exposing for sale or taking orders for magazines, books, periodicals, or other items of a commercial nature; or
- C. The contracting for home improvements or for services to be performed in the future.

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§ 221-2. License required.

No person shall engage in the activity of soliciting, peddling or hawking in the Town of Sturbridge, without first obtaining a license in accordance with the provisions of § 221-4.

§ 221-3. Exemptions.

The provisions of this bylaw shall not apply to:

- A. Salesmen or agents of wholesale houses or firms who solicit orders from retail dealers for resale or from manufacturers for manufacturing purposes.
- B. Bidders for public works or supplies.
- C. Local charitable, religious, fraternal, service and civic organizations (~~("local"~~ meaning origin within the community).
- D. The soliciting for any charitable, benevolent, fraternal, religious or political activities or organizations by a resident of the Town of Sturbridge.
- E. Any person exempted by the General Laws.
- F. Person who deals with established customers whom they periodically call upon to solicit an order for future delivery.
- G. Real estate brokers and insurance salesmen.

§ 221-4. License application, review and issuance.

- A. Any applicant for a license to engage in soliciting, peddling or hawking shall obtain an application form from the Town Administrator requiring the following information:
 - (1) Name of applicant.
 - (2) Address of applicant.
 - (3) Applicant's height, eye and hair color.
 - (4) ~~Applicant~~Applicant's social security number.
 - (5) The period of time for which the activity will be carried on in the Town of Sturbridge.
 - (6) The location(s) within the Town of Sturbridge on which the activity will be carried out.
 - (7) A brief description of the activity or business to be carried on, with a description of the goods or other materials to be sold, leased, or otherwise distributed.
 - (8) The name and home office of the applicant's employer. If self-employed, the applicant shall so state.
 - (9) If hawking is involved, a letter of permission signed by the landowner, or if a public way is to be used, a letter signed by the Chief of Police shall be attached to the application.
 - (10) If operating a motor vehicle, the applicant shall indicate the year, make, color, model, vehicle identification number (VIN) registration number, state of registration, and the address of said owner.

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- (11) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor within the past 10 years.
- B. When the application is completely filled out, the applicant shall personally take the application and any required letter(s) of permission to the Chief of Police who will, upon presentation of identification, take two, two inches by two inches photographs of the applicant showing the head and shoulders in a frontal view. One photograph shall be attached to the application. The applicant's fingerprints shall be taken and retained by the Chief of Police.
- C. ~~The fee for said license shall be \$25 for one week or any portion thereof or \$150 for one year or less.~~ License fees for one-week or one-year licenses shall be set by the Board of Selectmen and shall be payable to the Town of Sturbridge.
- D. Following the receipt of the applicant's reputation as to morals and integrity, the Chief of Police shall approve or disapprove the application within a period of 10 days from the date it is filed.
- E. The Chief of Police shall forward the application together with his recommendation ~~to the Town Administrator.~~ If the recommendation is favorable, the Town Administrator shall issue the license. If the Chief of Police recommends denial of the license, the Town Administrator may deny the license and the license fee shall be returned to the applicant.
- F. Each license shall contain the name and address of said licensee, the date of issuance, the license number, and the length of time the license shall be operative, and shall be signed by the Town Administrator.
- G. The Town Administrator shall keep a record of all the licenses issued for a period of six years from the date of original issuance.
- H. No license may be extended beyond the original terminating date. If additional time is required, a new application must be initiated.
- I. All licenses shall expire on December 31 of the year of issuance.

§ 221-5. Badge.

All persons engaged in an activity constituting soliciting, canvassing, peddling or hawking are required to display an identifying badge by wearing said badge on an outer garment. The Chief of Police shall issue these badges to a license holder upon the payment of a ~~\$5~~ deposit in an amount set by the Board of Selectmen. The deposit shall be refunded to the licensee upon return of the badge to the Chief of Police.

§ 221-6. Restrictions.

No person shall:

- A. Solicit or peddle before the hour of 8:00 a.m. of any day or after the hour of 8:00 p.m. of any day except by individual appointments.
- B. Solicit or peddle or pretend to solicit or peddle by ringing, calling or knocking at any building which contains a sign or other marking indicating in open view that such activities shall not take place on that premises. Such signs as "No Soliciting", "No Salesmen" and the like shall be sufficient warning to those persons who might otherwise engage in the activity of soliciting.
- C. Misrepresent his own identity, his employer's identity, if any, or his partner's identity, if any, while soliciting or peddling or hawking, in the Town of Sturbridge. No person shall fraudulently represent that he or she is the agent, employee, or partner of some other individual firm, corporation, or other

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entity when in fact no such relationship exists.

§ 221-7. Revocation of license.

- A. Licenses issued pursuant to this bylaw may be revoked by the Chief of Police of the Town of Sturbridge after notice and hearing for any of the following reasons:
- (1) Fraud, misrepresentation, or any false statements made to the Police Department in furnishing the information required in § 221-4.
 - (2) Any violation of this bylaw.
 - (3) Conviction of the license holder of any felony or crime involving morals, embezzlement or any other crimes of this nature.
 - (4) Soliciting, peddling, canvassing or hawking in an unlawful manner or in such a manner as to constitute a breach of the peace, or be a threat or danger to the health, safety or general welfare of the people of the Town of Sturbridge.
 - (5) Conducting activities different than those covered by the license or in a different location than that shown on the license.
- B. Notice of hearing for revocation of a license shall be given by the Chief of Police in writing, stating the grounds of the complaint and the time and the place of the hearing. Such notice shall be mailed, postage prepaid, to the license holder at the address given on the application form, at least five days prior to the date set for the hearing.

§ 221-8. Appeals.

Any person aggrieved by the decision of the Chief of Police shall have the right to appeal said decision to the Board of Selectmen. Such appeal shall be taken by filing with the Town Clerk a written statement ~~on~~of the ground for the appeal within 14 days after the receipt of the notice of the decision of the Chief of Police. The Board of Selectmen shall set the time and place for hearing such appeal. Notice of such time and place shall be given by the Town Clerk to the aggrieved party in the manner herein above provided for hearing of notice of revocation by the Chief of Police.

§ 221-9. Violations and penalties.

Every person violating any provision of this bylaw shall be punished by a fine not exceeding \$50 under a noncriminal disposition, as contained in Chapter 1, Article I, of the Town bylaws. Every violator of any provision of this bylaw shall be guilty of a separate offense for every day such violation shall continue and shall be subject to the penalty imposed by this section ~~and~~for each and every separate offense.

Chapter 230 - SCENIC ROADS

[formerly Ch. 3, §§ 3.70-3.77, of the Bylaws]

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[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 230-1. Purpose.

The purpose of this bylaw is to protect the scenic quality and character of certain roads within the Town of Sturbridge by establishing regulations that control physical alterations within public rights-of-way.

§ 230-2. Definitions.

In the absence of contrary meanings established through legislative or judicial action, pursuant to MGL c. 40, § 15C, the following terms contained in this bylaw shall be defined as follows:

CUTTING OR REMOVING TREES — The removal of one or more trees.

REPAIR, MAINTENANCE, RECONSTRUCTION OR PAVING WORK — Any work done within the right-of-way by any person or agency, public or private. Within this definition is included any work on any portion of the right-of-way which was not physically commenced at the time the road was designated as a scenic road. Construction of new driveways or alteration of existing driveways is included, insofar as it takes place within the right-of-way.

ROADS — A right-of-way of 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. When the boundary of the right-of-way is an issue so that a dispute arises as to whether or not certain trees or stone walls or portions thereof are within or without ~~of~~ the way, the trees and stone walls shall be presumed to be within the way until the contrary is shown.

TEARING DOWN OR DESTRUCTION OF STONE WALLS — The destruction of more than 15 linear feet of stone wall involving more than one cubic foot of wall material per linear foot above the existing grade, but shall not be construed to include temporary removal and replacement at the same location with the same material.

TREES — Includes any living tree whose trunk has a diameter of four inches or more as measured one foot above the ground.

§ 230-3. Designation of scenic roads.

The Planning Board, Conservation Commission and Historical Commission may petition the Board of Selectmen for additions or deletions to the list of scenic roads for consideration at Town Meeting. Any petition for "scenic road" designation must be accompanied by a written description of the characteristics of the road as a justification for the protection afforded by this bylaw.

§ 230-4. Restrictions on designated scenic roads.

- A. Within the public right-of-way of designated scenic roads, the following activities shall require written approval of the Planning Board in accordance with the provisions of this bylaw:
 - (1) The tearing down, painting or destruction of stone walls.

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- (2) The cutting or removal of trees the scope of which is outside the responsibility of the Tree Warden as defined in the Massachusetts General Laws or the Town of Sturbridge General Bylaws.
 - (3) Repair, maintenance, reconstruction or paving work, including the construction of new driveways or alteration of existing driveways, insofar as they affect stone walls or trees within the public right-of-way, as defined above.
- B. In cases where a threat to public safety does not allow sufficient time to obtain approvals from the Planning Board, the Planning Board must be notified within five business days of any action which, had the threat not existed, would be a violation of this bylaw.
- C. Any person, firm or corporation violating the provisions of this section shall be punished by a fine of \$300, enforceable through noncriminal disposition as set forth in Chapter 1, Article I, of the Town bylaws.

§ 230-5. Hearings; considerations for designation; compensatory actions.

- A. The Planning Board shall, as required by statute, give notice of its public hearings by advertising twice in a newspaper of general circulation in the area. This notice shall contain a statement as to the time, date, place and purpose of the hearing, with a reasonable description of the action and its location proposed by the applicant. Copies of this notice shall also be sent to the Town Clerk, Conservation Commission, the Historical Commission, the Tree Warden, the Director of Public Works and the owners of property within 100 feet of the proposed action.
- B. The Planning Board shall hold a public hearing within 30 days of receipt of an application and shall approve, conditionally approve or deny an application within 60 days of receipt. In making its decision, the Planning Board shall consider the following criteria and shall not grant approval if the proposed action will be in violation of one or more of the following:
- (1) Preservation of historic values.
 - (2) Preservation of the scenic and aesthetic quality of the area.
 - (3) Protection of natural resource and environmental systems.
 - (4) Public safety.
 - (5) Compatibility with the surrounding neighborhood.
- C. Compensatory actions. In making its decision, the Planning Board may grant an approval that otherwise would be denied if the overall effect of the proposed alteration, including compensatory action, such as the planting of new trees or the reconstruction of stone walls, is to maintain or improve the scenic quality or historical character of the road.

§ 230-6. Public Shade Tree Act.

Whenever feasible, notice shall be given and Planning Board hearings shall be held in conjunction with those held by the Tree Warden acting under MGL c. 87. The consent of the Planning Board to a proposed action shall not be regarded as inferring consent by the Tree Warden or vice versa. The Planning Board decision shall contain a condition that no work may be undertaken until all applicable provisions of the Public Shade Tree Law, MGL c. 87, and ~~the Town's General Bylaws,~~ Chapter 270, Trees, of the Town bylaws have been complied with.

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§ 230-7. Enforcement.

The Building Inspector, Tree Warden or other person designated by the Town Administrator may issue a citation for violation of these regulations. A failure to respond to properly issued citations, or the issuance of three or more citations in a twelve-month period or failure to take responsible compensatory action shall be construed as a violation of this bylaw, to be enforced via ~~non-criminal~~noncriminal disposition, subject to a fine of ~~not more than~~ \$100. Each day that such a violation continues shall constitute a separate offense.

§ 230-8. Additional regulations.

The Planning Board may adopt additional regulations for carrying out the provisions of this bylaw.

Chapter 235 - SEASONAL/TEMPORARY USES

[formerly Ch. 2, §§ 2.20-2.21, of the Bylaws]

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 235-1. Definition.

A "seasonal/temporary use ~~definition.~~" shall be defined as a temporary use or occupancy on an intermittent or short-term basis, primarily during the summer months and/or weekends, the total time of which use or occupancy shall not exceed 30 days during any one calendar year.

§ 235-2. Districts where allowed; permit required.

Seasonal/~~temporary use.~~ Temporary uses are allowed in all commercial or industrial zones, but they do require a permit from the Board of Selectmen. Such uses shall not require site plan review.

§ 235-3. Application requirements.

- A. An applicant for a temporary use permit shall make application on the forms provided by the office of the Board of Selectmen.
- B. The application shall require, at a minimum:
- (1) A written description of the seasonal/temporary use proposed.
 - (2) The name and address of the applicant and the owner of the property.
 - (3) A site plan, drawn to scale, showing any existing and proposed uses, parking areas, tent locations or other proposed structures or areas.
 - (4) A filing fee as set by the Board of Selectmen.

§ 235-4. Conditions of approval.

The Board of Selectmen may impose reasonable conditions on a permit for a temporary/seasonal use, including, but not limited to, duration of event, hours of operation and length of permit.

Chapter 240 - STORAGE CONTAINERS

[formerly Ch. 2, § 2.10, of the Bylaws]

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[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 240-1. Definition and specifications.

A "storage container," for the purpose of this bylaw, shall mean any unit which is erected separately from the main structure on the premises for the purpose of providing storage space for permitted uses on the site. A storage container should be a commercial storage unit or other such structure clearly intended for use as storage space. Each unit may be a maximum of 20 feet by 10 feet by 10 feet. The unit may not be maintained on wheels. Tractor-trailer backs shall not be considered acceptable storage container units.

§ 240-2. Permit required; term; limit on number of units per lot.

Storage containers, authorized via a storage container permit issued by the Building Inspector, may be erected for a period of no longer than six months, with one three-month extension. No more than three storage units may be located on a lot at one time.

§ 240-3. Application for permit.

An application for a storage container permit must be made to the Building Inspector. The party erecting the storage container must provide proof of permission from the property owner to erect the unit.

§ 240-4. Fees.

The fee for a storage container permit ~~is \$30 per unit~~ shall be set by the Board of Selectmen.

§ 240-5. Location restrictions; maintenance.

All storage containers shall be erected in conformance with the setback and other requirements as stated in all applicable Sturbridge bylaws. Storage containers shall not occupy and/or hinder active parking or traffic circulation areas. The units shall be located in areas which are not visible from roadways and shall be properly maintained so as not to create an eyesore.

§ 240-6. Inspection of containers.

The Building Inspector shall inspect the installation and maintenance of all storage containers to protect the safety of occupants in and around the unit(s), and may revoke a permit for maintenance of any unsafe, disordered or unsanitary condition in or about the units.

§ 240-7. Site plan review required for long-term use.

Should a property owner have a compelling need, which may not be satisfied through other reasonable means, to keep the unit on site for a period longer ~~than~~ nine months, this may be allowed, provided the owner undergoes a full site plan review process, as set forth in ~~the~~ Chapter 300, Zoning, of the Town bylaws and incorporated herein, to locate the unit on the site.

Chapter 245 - STORMWATER MANAGEMENT

[formerly Ch. 6, §§ 6.5-6.11, of the Bylaws]

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[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 245-1. Purpose and intent.

The purpose of this bylaw is to reduce pollutants from stormwater to the maximum extent practicable and to minimize flooding or other nuisances or property damage resulting from improper management of stormwater. The goal is to have private development seek to manage stormwater privately, within the confines of each private property whenever possible. Permits for connection to Town drainage facilities will only be considered when private solutions are not feasible.

§ 245-2. Applicability; permit required.

- A. No person shall construct an improvement on any land abutting a way which may increase the volume of surface water draining from the land onto the way unless the owner of the land has first obtained a permit from the Town Engineer or DPW Director.
- B. No person shall uncover, excavate, block access to, or make a connection to any pipe, culvert, catch basin, manhole, or other structure under the control of the Town without first having obtained a permit from the Town Engineer or DPW Director.
- C. No person shall construct on any land abutting a way, the surface of an abutting portion of which land is lower than the surface of the way, unless the owner shall first have:
 - (1) Obtained a permit from the Town Engineer/DPW Director.
 - (2) Delivered to the Town Engineer/DPW Director an executed release on a form approved by Town Counsel suitable for recording in the Worcester District Registry of Deeds releasing the Town ~~from~~from all claims for damage to the land or improvement thereon resulting from surface water drainage from the way onto the land.
- D. Projects or activities approved by the Planning Board and/or Conservation Commission shall be deemed in compliance with the intent and provisions of this bylaw.

§ 245-3. Discharge restrictions.

No person shall discharge any water from construction sites into any public street or part of the Town drainage system without first having obtained a permit for that purpose from the Town Engineer or DPW Director. This permit shall be in addition to any other required state or federal permit. No person shall discharge, cause the discharge, ~~of~~ or divert a natural flow of surface water or ~~ground water~~groundwater in such a manner that it will cause an icing condition on a public way.

§ 245-4. Illegal discharges.

No person shall directly or indirectly dump, discharge or cause or allow to be discharged into any catch basin, manhole, pipe, retention or detention pond, earth channel, structural control, infiltration chamber, or any other component of the Town's drainage system, any solid waste, construction debris, paint or painting product, antifreeze, hazardous waste, oil, gasoline, grease and all other automotive and petroleum products, solvents and degreasers, drain cleaners, commercial or industrial cleaners, soaps, detergents, ammonia, food

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and food waste, grass or yard waste, leaves, animal feces, dirt, sand, gravel or other pollutant.

§ 245-5. Stormwater management standards.

All development and redevelopment projects must comply with the Stormwater Management Standards issued by the Massachusetts Department of Environmental Protection dated March 1997 and the United States Environmental Protection Agency's Phase II Stormwater Regulations, as each may be from time to time amended.

§ 245-6. Enforcement.

The Town Engineer/DPW Director shall administer, implement and enforce this bylaw under the direction of the Board of Selectmen. Town boards, including, but not limited to, the Conservation Commission, Planning Board, Zoning Board of Appeals, Department of Public Works, Building Department, Board of Health and others who issue permits and/or approvals for projects and/or activities under their specific jurisdiction, shall review projects in accordance with this bylaw and the regulations to enforce this bylaw as adopted and as may be amended from time to time by the Board of Selectmen. Projects or activities approved by the Planning Board and/or Conservation Commission shall be deemed in compliance with the intent and provisions of this bylaw.

§ 245-7. Violations.

Each day that a violation of this bylaw continues shall constitute a separate violation under ~~Article V of the Town's General Bylaws~~ Chapter 1, Article I, of the Town bylaws.

§ 245-8. Penalties.

Penalties for violation of this bylaw may be imposed in accordance with the Town of Sturbridge Stormwater Management Regulations as may be amended from time to time.

Chapter 250 - STREETS, SIDEWALKS AND PUBLIC WAYS

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

ARTICLE I General Provisions

§ 250-1. Obstructing public ways by snow prohibited. [formerly Ch. 6, §§ 6.0-6.1, of the Bylaws]

Whoever plows or otherwise removes snow in such manner as to obstruct any public way within the Town shall be liable to a penalty not exceeding \$50 for each offense. Violations of this section may also be enforced by noncriminal disposition as set forth in Chapter 1, Article I, of the Town bylaws.

§ 250-2. Streetlights. [formerly Ch. 6, §§ 6.20-6.21, of the Bylaws]

Articles relating to requests for new streetlights shall be inserted only in the Annual Town Meeting warrant, except as provided for by MGL c. 39, § 10.

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§ 250-3. Posting of bridges. [formerly Ch. 6, § 6.25, of the Bylaws]

The Board of Selectmen may establish maximum weight load limitations for Town-owned bridges. Those vehicles exceeding such weight limitations are prohibited from using such bridges ~~and~~. The Board of Selectmen may direct the Director of Public Works to post and maintain signs indicating ~~the~~ bridge capacity.

§ 250-4. Placing of rubbish on streets and sidewalks. [formerly Ch. 6, § 6.40, of the Bylaws]

- A. No person shall sweep, rake, or throw or otherwise place any rubbish or like substance on any public sidewalk or street in the Town except in a container used for the sole purpose of being collected by the Town, its employees, or agents during designated collection periods.
- B. The penalty for violation of the provisions of this bylaw shall be \$20 for each violation thereof. Violations of this bylaw may also be enforced by noncriminal disposition as set forth in Chapter 1, Article I, of the Town bylaws.

ARTICLE II

Repairs to Private Ways

[formerly Ch. 6, §§ 6.15-6.18, of the Bylaws]

§ 250-5. Authorized temporary repairs.

- A. The Town may, subject to the appropriation therefor at the Annual Town Meeting, make temporary repairs on private ways which have been opened to public use for six years or more. Such repairs shall consist only of the filling in of holes or depressions in the surface of such ways with suitable materials and shall not include reconstruction or repair of drainage facilities.
- B. No such repairs shall be made unless:
 - (1) All the abutters sign agreements to release the Town from any claims for damage caused by such repairs and covenanting not to sue the Town for any such damages; and
 - (2) The Selectmen have declared such repairs to be a required public necessity.

§ 250-6. Scheduling repairs; betterment charges or cash deposits.

The Selectmen shall schedule such repairs based upon the annual appropriation therefor. No betterment charges shall be assessed, and no cash deposit shall be required for such repairs.

§ 250-7. Limit on Town liability.

The liability limit of the Town on account of damages sustained by any person, other than an abutting owner, caused by such repairs shall be \$1,000.

ARTICLE III

Snow and Ice Removal

§ 250-8. Snowplowing of private ways. [formerly Ch. 6, § 6.30, of the Bylaws]

The Town may plow certain private roads under the conditions and exclusions outlined below.

- A. That main Lake Roads be plowed; said roads to be accessible to the Town highway equipment and in suitable conditions for plowing and on which year-round residents reside.

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- B. That the Board of Selectmen determines the roads to be plowed under Subsection A, and ~~postposts~~ a list of said roads on the Town bulletin board and the Town website.
- C. In determining the roads to be plowed under this ~~article~~bylaw, the Board of Selectmen shall specifically exclude any private roads which may be classified as a driveway ~~or~~ other similar access to private property; and in addition shall exclude any private road in a current subdivision or development, except that any private road in a current subdivision may be plowed ~~provide~~ provided the road has been prepared under the authority and approval of the DPW Director and is awaiting the formality of Town acceptance.

§ 250-9. Clearing of snow and ice from sidewalks. [formerly Ch. 6, § 6.50, of the Bylaws]

- A. Any tenant or owner occupying any building or any lot of land abutting on a sidewalk, which is situated within the limits of the highways or Town ways, and in case such building or lands are unoccupied, the owner or owners thereof shall cause all snow and ice to be removed from such walk as soon as practicable but no later than 48 hours after the same shall have accumulated thereon.
- B. Any person violating the provisions of this bylaw shall be punished by a fine of not more than \$10 to be recovered by complaint before any trial justice, police or District Court having jurisdiction within the county and forfeited and paid to the Treasury of the Town unless ~~when~~ different provisions are made by the laws of the Commonwealth. Violations of this bylaw may also be enforced by noncriminal disposition as set forth in Chapter 1, Article I, of the Town bylaws.
- C. Waiver of enforcement.
 - (1) The Board of Selectmen, or the Town Administrator, following consultation with the Director of Public Works, may waive enforcement of this bylaw for sidewalks located within a state highway layout in the event of extraordinary conditions.
 - (2) Any waiver hereunder shall be promptly communicated through:
 - (a) Conspicuous placement of a notice on the homepage of the Town's official ~~Web site~~website;
 - (b) Posting on the Town Clerk's bulletin board in Town Hall;~~;~~
 - (c) Distribution to local media outlets;~~;~~
 - (d) Posting a notice on the cable television message board;~~;~~ and
 - (e) Posting on the emergency management sign board if available.

ARTICLE IV

Driveway Construction Permits

[formerly Ch. 6, § 6.60, of the Bylaws]

§ 250-10. Definitions.

~~(For the purpose of this and following sections having to do with driveway permits only),~~ the following terms shall have the meanings indicated:

ABUTTING PROPERTY OWNER — A person or entity owning property bordering on a way.

DRIVEWAY — Privately owned access to and from a way.

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PUBLIC WAY — A way laid out by a public agency, or dedicated to public use or laid out for public use or used and maintained as a public way.

WAY — Any public way which is not subject to MGL c. 81, § 21 (state curb cut permit).

§ 250-11. Purpose.

The purpose of this bylaw is:

- A. To provide maximum protection to the public through the orderly control of traffic moving onto and from a way.
- B. To provide a uniform practice in the design and construction of entrances and exits.
- C. To provide necessary drainage.
- D. To protect public shade trees.

§ 250-12. Permit required; application.

A driveway permit shall be required for any regularly used access to a public way. Any abutting property owner desiring to gain access to a way shall do so only in accordance with the provisions of a permit issued by the municipal Department of Public Works. Additionally, the ~~Director of Inspections~~Building Inspector shall require a driveway permit as a condition for issuing an occupancy permit.

- A. Procedures. Before beginning construction, the abutting property owner shall make written application to the Department of Public Works, including:
 - (1) A sketch or engineered (if necessary) plan:
 - (a) For any driveway that is to be created, substantially altered or closed.
 - (b) With details on drainage as necessary to prevent runoff from entering the public ways.
 - (c) With locations of public shade trees within 10 feet from all areas to be disturbed in the process of constructing the driveway.
 - (2) A fee to be established from time to time by the Director of Public Works.
- B. All work shall be inspected during and after construction. The Public Works Department may halt any work not done in accordance with the permit.
- C. Any public shade tree which is damaged or is to be removed for construction shall have a public hearing as required under MGL c. 87, referring to public shade tree laws, as well as Chapter 270, Article II, of the Town ~~Code~~bylaws.

§ 250-13. Design requirements.

- A. The municipal Department of Public Works shall consider the requirements of the ~~state DPW~~MassDOT Manual on Uniform Traffic Control Devices, but shall modify these to accord with:
 - (1) Local conditions.
 - (2) Compatibility with local road design.
 - (3) Size of the proposed project.

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- B. Driveways shall be at least 12 feet in width and should be located to the best advantage with regard to alignment with the way, profile, sight distance conditions, public shade trees and the like. Unless conditions require it, a driveway should not be located at the extreme edge of a property (side setbacks) or within 10 feet of an existing structure or utility. In no instance shall the driveway intersect the way at less than a 60° angle. In no instance shall a driveway exceed 12% grade or be less than 0.5% grade, except with the written approval of the DPW Director and the Fire Chief.
- C. No more than two driveways shall normally be allowed for any one property unless there is clear necessity for more. Leasing of a portion of the property does not affect this requirement. If a number of establishments will be constructed on one parcel, a service road may be required, to connect with allowable exit and entrance.
- D. A channelizing island may be required for an entrance to a high-volume traffic generator such as a shopping center. Acceleration and deceleration lanes may also be required for driveways to such projects. (The Department of Public Works may require a bond to guarantee the satisfactory construction of such driveways, in an amount not to exceed the estimated cost.)
- E. Driveways shall not normally be approved within 50 feet of intersections, particularly signalized intersections, because of the potential safety hazard which arises when a driver enters a road from a corner driveway and is not faced with a direct signal indication. Access directly into a rotary is also discouraged.
- F. In no instance shall a driveway have a pitch towards the roadway of greater than one inch per foot, unless adequate provisions have been made and approved by the DPW for the diversion of driveway surface runoff away from the roadway. The DPW may require methods of diversion for driveways having a pitch of greater than one inch per foot if the proposed driveway construction will result in an excess accumulation of surface water in the way. The driveway apron shall match the street center line grade at the property line.
- G. All driveways shall access on the way on which legal frontage for that lot is established. Common driveways serving more than one lot shall not be permitted for residential purposes, unless otherwise permitted by Chapter 300, Zoning, of the Town bylaws.

§ 250-14. Exceptions.

No permit shall be required for driveways already in existence, except for significant alterations.

§ 250-15. Construction methods.

- A. When ~~existing~~ existing curbing and/or sidewalk has to be removed to construct a driveway, such sidewalk or curbing shall be removed for its full depth and to formed joints. The breaking and removal of parts of sidewalk slabs or parts of curbing other than at existing joints will not be permitted. Existing granite curbing and inlets shall be carefully removed and not damaged and shall remain the property of the Town and disposed of in accordance with the instructions from the Public Works Director. The applicant is responsible for the proper disposal of other excavated materials. When public shade trees need to be removed, or are damaged during construction, the applicant shall comply with Chapter 270, Article II, of the Town ~~Code~~ bylaws. Remaining public shade trees shall be protected during construction through a plan approved by the Tree Warden.
- B. The subgrade for driveways in the Town right-of-way shall be shaped parallel to the proposed surface and thoroughly compacted. After the subgrade has been prepared, a foundation of gravel shall be placed upon it. After thorough compacting, the foundation shall be at least 12 inches in thickness and parallel to the proposed surface of the walk, applied in layers of six inches, each layer compacted

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before the application of the subsequent layer.

- C. Driveways within the Town right-of-way shall be surface treated as to existing material unless otherwise approved. For existing concrete surfaces, the new concrete shall be placed in such quantity that, after being thoroughly consolidated in place, it shall have a depth of six inches. Cement concrete shall be Class D, 3000 lb. test. At the time of pouring, a welded mesh, 10 inches by 10 inches, No. 12 gauge shall be imbedded in the concrete. The final surface shall have a broom finish.
 - (1) For new and existing bituminous surfaces, a minimum thickness of two inches, after compacting, of bituminous concrete, Type I-1 shall be required, applied in two one-inch layers.
 - (2) Adequate provisions by petitioners are to be made to prevent water and silt from entering existing public ways during and after construction.
- D. Driveway drainage design shall be determined by the Director of Public Works or his agent upon review of the driveway plan and a site inspection.
- E. For residential properties in steep areas, the Department of Public Works may require that driveways have a minimum twenty-foot-long area with maximum grades of 2% for the parking of at least two passenger vehicles.
- F. Upon completion of the work, the applicant shall be required to have final inspection of the driveway by the Director of Public Works or his agent.

§ 250-16. Enforcement.

- A. A driveway permit shall be found to be abandoned and invalid unless all of the construction authorized by it shall have been completed within two years after its issuance.
- B. Any person who continues to violate any provision of this bylaw or of any permit issued hereunder after the expiration of 10 days following receipt by him of a written notice of violation shall be liable to a penalty not exceeding \$50 for each offense. Each day that such violation continues after said ten-day period shall constitute a separate offense.
- C. The Department of Public Works Director and/or the Building Inspector shall enforce the provisions of this bylaw.

ARTICLE V

Parking Ban

[formerly Ch. 6, § 6.70, of the Bylaws]

§ 250-17. Authority to implement ban.

The Town of Sturbridge, acting through its Board of Selectmen or Town Administrator, shall have the authority to implement and enforce a community-wide parking ban on public ways located within the Town as said Board or Town Administrator may deem necessary, for the purpose of facilitating travel on or over said public ways and the removal of snow and ice thereon, subject to the following ~~provision~~provisions.

§ 250-18. Limitations.

The Board of Selectmen and/or Town Administrator may implement such a parking ban on a per-storm or seasonal basis; provided, however, that the implementing of such a parking ban shall be limited to the period between the dates of November 15 through April 1 of the ensuing year.

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ARTICLE VI

Street Excavations

Formerly Ch. 6, § 6.90, of the Bylaws]

§ 250-19. Word usage; definitions.

A. Word usage. As used in this ~~article~~bylaw and when not inconsistent with the context, words in the present tense include the future, words in the plural include the singular, words in the singular include the plural, and the masculine shall include the feminine and the neuter. The word "shall" is always mandatory and not merely directory.

B. Definitions. As used in this ~~article~~bylaw, the following terms shall have the meanings indicated:

APPLICANT — Any person who makes application for a permit.

DPW DIRECTOR — The person in charge of the Department of Public Works operations for the Town of Sturbridge or his authorized representative.

EMERGENCY — Any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or property.

PERMITTEE — Any person who has been issued a permit and has agreed to fulfill all the terms of this ~~article~~bylaw.

PERSON — Any natural person, partnership, firm, association, utility or corporation. Whenever used in any section prescribing and imposing a penalty, the term "person" as applied to associations shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

STREET — A public street, public easement, public right-of-way, public highway, public alley, public way, public road or public sidewalk accepted or maintained by the Town.

§ 250-20. Permit required for excavation; emergency openings.

It shall be unlawful for any person to make any tunnel, opening or excavation of any kind in or under the surface or any street without first securing a permit from the Town for each separate undertaking; provided, however, that any person maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, provided the permit could not reasonably and practically have been obtained beforehand. Such person shall thereafter apply for a permit on the first regular business day on which the office of the DPW is open for business, and said permit shall be retroactive to the date when the work was begun.

§ 250-21. Size of opening limited.

No person to whom a permit has been granted shall perform any of the work authorized by such permit in any amount or quantity greater than that specified in the permit, except that upon the prior approval of the DPW Director, additional work may be done under the provisions of the permit. ~~except that upon the prior approval of the DPW Director, additional work may be done under the provisions of the permit in any amount not greater than 10% of the amount specified in the permit.~~ Any deposit and bond posted in connection with the original permit shall be deemed to cover any such additional work as may be approved pursuant to this section within the limit mentioned herein.

§ 250-22. Commencement of work.

Work for which a permit has been issued shall commence within 14 days after the issuance of the permit therefor. If not so commenced, the permit shall be automatically terminated. Permits thus terminated may be renewed upon the payment of an additional permit fee as originally required.

§ 250-23. Nontransferability of permit or location.

Permits are not transferable from one person to another, and the opening shall not be made in any place other than the locations specifically designated in the permit.

§ 250-24. Expiration of permit; extension.

Every permit shall expire at the end of the period of time which shall be set out in the permit. If the permittee shall be unable to complete the work within the specified time, he shall, prior to the expiration of the permit, present in writing to the DPW Director a request for an extension of time, setting forth therein the reasons for the requested extension. If, in the opinion of the DPW Director, such an extension is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work.

§ 250-25. Exception for municipal utilities.

All street openings required by utilities owned or operated by the Town shall be made and restored under the direction and supervision of the DPW Director. The permit, fee, deposit, insurance and bond requirements of this [article bylaw](#) shall not be applicable to any openings made by such municipally owned or operated utilities.

§ 250-26. State exemptions.

The provisions of this [article bylaw](#) shall not be applicable in those instances where the highway is maintained by the Commonwealth of Massachusetts.

§ 250-27. Right to use of street.

Every permit granted shall be subject to the right of the Town and of any other person entitled thereto to use the street for any purpose for which such street may lawfully be used, not inconsistent with the permit.

§ 250-28. Revocation of permit.

- A. Any permit may be revoked by the DPW Director after notice to the permittee, for:
 - (1) Violation of any condition of the permit or of any provision of this article.
 - (2) Violation of any provision of any other applicable [ordinance bylaw](#) or law relating to the work.
 - (3) Existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or property of others.
- B. Written notice of any such violation or condition shall be served upon the permittee or his agent engaged in the work. The notice shall contain a brief statement of the grounds relied upon for revoking the permit, and a permittee may be granted a period of three days from the date of the notice to correct the violation and to proceed with the diligent prosecution of the work authorized by the permit before said permit is revoked. Notice may be given either by personal delivery thereof to the person to be notified or by certified or registered United States mail addressed to the person to be

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notified.

- C. When any permit has been revoked and the work authorized by the permit has not been completed, the DPW Director shall do such work as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. All expenses incurred by the Town shall be recovered from the deposit or bond the permittee has made with the Town.

§ 250-29. Duties and responsibilities of applicants.

It shall be the duty and responsibility of any applicant to:

- A. Make a written application for such permit to the DPW Director on a form providing all information necessary for the administration and enforcement of this ~~article~~ bylaw. No work shall commence until the DPW Director has approved the application and plan and has issued a permit, nor until the permittee has paid and provided all fees, deposits and certificates required by this ~~article~~ bylaw.
- B. Furnish in duplicate a plan showing the work to be performed under said permit. If approved by the DPW Director, one copy of such plan shall be returned to the applicant at the time the permit is granted.

§ 250-30. Duties and responsibilities of permittee.

It shall be the duty and responsibility of any person receiving a permit to:

- A. Pay a permit fee, established by resolution of the Board of Selectmen, per lineal foot of street opening measured along the length of the street opening; provided, however, that public utilities or authorities shall be billed quarterly for such fees as they shall accrue.
- B. Make a deposit to cover the cost of restoring the street damaged by such work. The amount of deposit or bond shall be established by the Board of Selectmen from time to time by resolution.
- C. Furnish a certificate of insurance, as required by § 250-38.
- D. Submit, when required by the DPW Director, a list of owners and tenants of all properties abutting the area where the work authorized by the permit is to be performed.
- E. Present evidence that all materials, labor and equipment needed to complete such work as authorized by the permit are available.
- F. Keep the original copy of the permit and an approved copy of the plan at all times while such work is in progress at the location for which said permit was granted, and show such permit and plan upon demand by Town authorities.

§ 250-31. Opening and excavation restrictions.

- A. No opening or excavation in any street shall extend beyond the center line of the street before being backfilled and the surface of the street temporarily restored.
- B. No more than 250 feet, measured longitudinally, shall be opened in any street at any one time without special permission in writing from the Board of Selectmen, and only in instances where a special hardship can be shown.
- C. All utility facilities shall be exposed sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.

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- D. Pipe drains, pipe culverts or toilet facilities encountered shall be protected by the permittee.
- E. In the event permittee damages the property or facilities of another, the permittee shall repair this damage within 12 hours in the case of a utility and within 48 hours in the case of any other private party. If the damage has not been repaired within these time limits, the party sustaining the damage shall undertake to have the repairs made ~~a~~ at his own expense and report to the Town as soon as possible the amount of expense incurred. This amount may be withheld from the permittee's deposit or bond by the DPW Director pending final determination and settlement of any liability for this damage. Whenever damage occurs, the injured party shall notify the DPW Director within 24 hours so that steps can be taken to determine the extent of the damage and plans can be made for its repair.
- F. When work performed by the permittee interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage to the ~~satisfaction~~ satisfaction of the DPW Director.
- G. Safety devices.
- (1) Every permittee shall place around the project such barriers, barricades, lights, warning flags and danger signs as shall be determined by the DPW Director to be necessary for the protection of the public. Additional safety requirements may be prescribed by the DPW Director and, where applicable, a police detail shall be required.
 - (2) Whenever any permittee fails to provide or maintain the safety devices required by the DPW Director, such devices may be installed and maintained by the Town. The amount of the cost incurred shall be paid by the permittee or deducted from his deposit or bond. Such costs shall be determined by the Town.
 - (3) No person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this ~~article~~ bylaw.
- H. Work authorized by a permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless the permittee obtains written consent from the DPW Director to do the work at an earlier or later hour. Such permission shall be granted only in case of an emergency.
- I. In no case shall any opening made by a permittee be considered in the charge of the Town or any of its officers or employees, and no officer or employee is authorized in any way to take or assume any jurisdiction over any such opening, except in the exercise of the police power, when it is necessary to protect life and property.

§ 250-32. Deposit or bond

- A. When payable; purpose. The deposit or bond shall be made at the time the permit is received, and the deposit or bond shall be used to reimburse the Town for the cost of any work and materials furnished by it in connection with the work authorized by the permit and for any other purpose set forth in this ~~article~~ bylaw.
- B. Form of deposit or bond. The deposit or bond may be either in the form of a certified treasurer's or cashier's check or in lawful money of the United States.
- C. Insufficient deposit or bond. If any deposit or bond is less than sufficient to pay all costs, the permittee shall, upon demand, pay to the Town an amount equal to the deficiency. If the permittee refuses or fails to pay such deficiency, the Town may institute an action to recover the same in any court of competent jurisdiction. Until such deficiency is paid in full, no additional permits shall be issued to such permittee.

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- D. Amount of deposit or bond. The amount of deposit or bond for street openings shall be as established from time to time by resolution of the Board of Selectmen.
- E. Waiver of deposit or bond. The deposit and bond requirement set forth in this ~~article~~ bylaw may be waived by the Board of Selectmen if the work of excavation is being performed by the Town itself.
- F. Refund of deposit or bond. Upon notification by the permittee that all work authorized by the permit has been completed and after restoration of the opening and final inspection, the DPW Director shall refund to the permittee his deposit or release his bond less all costs incurred by the Town in connection with said permit and any other expenses required by this ~~article~~ bylaw for which final settlement has not been made. In no event shall the permit fee be refunded once work has been undertaken.

§ 250-33. Insurance requirements.

Each applicant, upon the receipt of a permit, shall provide the Town with an acceptable certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work. Such insurance shall cover any and all possible hazards of whatsoever kind or nature and shall include protection against liability arising ~~from~~ from completed operations. The amount of the insurance shall be prescribed by the Town in accordance with the nature of the risk involved; provided, however, that the liability insurance in effect shall be in an amount of \$1,000,000 for bodily injury, \$250,000 for damages to private property and \$250,000 for damages to Town property. Public utilities and authorities may be relieved of the obligation of submitting such a certificate if they are insured in accordance with the requirements of this ~~article~~ bylaw.

ARTICLE VII

Curbs and Gutters

[formerly Ch. 6, § 6.91, of the Bylaws]

§ 250-34. Approval of construction.

It shall be unlawful for anyone to lay, construct or establish any walk, curb or gutter upon any portion of the public domain of the Town of Sturbridge without the approval of the DPW Director, who shall determine and establish the line and grade where such walk, curb or gutter may be laid and constructed.

§ 250-35. Removal of unapproved construction.

Any construction that is not approved by the DPW Director shall be removed at the expense of the person who made or caused to be made such walk, curb or gutter.

Chapter 270 — TREES

[formerly Ch. 6, § 6.80, of the Bylaws]

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 270-1. Findings.

Trees are recognized as an asset to the community, providing a more healthful and beautiful environment in which to live. Trees and other vegetation provide oxygen, shade, protection from wind, glare, and noise, view barriers, wildlife habitat, aesthetics and a priceless psychological counterpoint to the man-made urban

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setting. Preserving trees is economically beneficial in attracting new residents, visitors and industry. When grown in the right place and proper varieties, trees enhance the value and marketability of property and promote the stability of desirable neighborhoods and commercial areas.

§ 270-2. Scope.

This bylaw is to be used for the removal of any ~~non-hazardous~~nonhazardous public shade tree by any individual, utility, organization, corporation, or agency other than the Town of Sturbridge. Actual removal shall only be performed by those permitted by the Tree Warden. Public shade trees shall, for the purpose of this bylaw, only include those trees which are within a public way or on the boundaries of any public way, as defined under MGL c. 87.

§ 270-3. Replacements required.

- A. Public shade trees shall not be removed other than by or on behalf of the Town, without suitable compensation to the Town by the applicant, for replacements. The value of existing shade trees for compensation purposes, is to be calculated on an inch-by-inch basis, measured at ~~D.B.H.~~DBH (diameter at breast height). All replacements shall be at least two-inch diameter DBH, nursery-grown stock. Cost of replacement trees is to be obtained from the ~~latest edition of the McMahon Heavy Construction Guide, or any successor thereto or any equivalent~~current cost guide approved by the Tree Warden.
- B. At the discretion of the Tree Warden, the applicant shall either:
- (1) Arrange to plant suitable replacements using his own contractor, working to the Town's specifications; or;
 - (2) Make a cash contribution to the Town based upon the replacement cost estimate described above, to be used exclusively for the purchase and planting of replacement trees to the satisfaction of the Tree Warden.

§ 270-4. Exceptions.

This bylaw is to be followed for all public shade trees except:

- A. Trees that are determined by the Tree Warden to be dead, diseased, or dangerous. A dangerous tree is one that is likely to fall, or significant portions are likely to fall under mild environmental conditions.
- B. Deciduous trees that are less than five inches in diameter that are, in the opinion of the Tree Warden, of no significant value. Diameter is measured at breast height (~~D.B.H.~~DBH).
- C. Conifer trees less than eight inches ~~D.B.H.~~DBH.
- D. Any size tree of the following species with prior approval of the Tree Warden: Poplar, Cherry, Locust, Gray Birch and Black Birch.

§ 270-5. Liability for expenses.

Any applicant who wishes to remove a ~~non-hazardous~~nonhazardous public shade tree is responsible for the following expenses:

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- A. Legal advertising.
- B. Cost of removal of tree stump, including the hauling away of all debris, and filling the stump hole.
- C. Planting of sufficient replacement trees to fulfill the requirements of this bylaw.
- D. Cost of police traffic details, repair of street surface and road shoulder, protection and restoration of utility service.
- E. All other costs related to removal and replanting.

§ 270-6. Work in protected root zone of public shade trees.

If an applicant proposes to trim, prune, dig, trench, or alter the existing ground line by filling or excavating within the protected root zone of a public shade tree, and if, in the opinion of the Tree Warden, the proposed work will adversely affect the health, beauty, structural integrity or safety of the tree, the Tree Warden may consider the proposed work to have the same effect as removal of the tree. In those cases, the Tree Warden may either order the removal of the tree, or allow the tree to remain, provided that it does not present an immediate hazard. In either case, the appropriate replacement plantings must be provided by the applicant in accordance with §§ 270-1 through 270-4 hereof. The protected root zones for all trees subject to this bylaw are as shown on the table below.

Protected Root Zones	
Tree Diameter at 4.5 Inches (inches)	Radius of P.R.Z. PRZ (feet)
2.0 to 4.40	2.0
4.1 to 9.0	5.0
9.1 to 14.0	10.0
14.1 to 20.0	12.0
20.1 or greater	15.0

§ 270-7. Approval of tree removal contractors.

The tree removal contractor to be paid for by the applicant, must be approved by the Tree Warden as to equipment, qualifications and experience. The tree removal contractor shall provide certificates of insurance, satisfactory to the Town, in the following amounts:

- A. \$100,000 ~~Workmen's~~worker's compensation.
- B. \$300,000 bodily injury.
- C. \$300,000 property damage.
- D. \$1,000,000 excess liability.

§ 270-8. Bonding.

If, at the sole discretion of the Tree Warden, it is determined that the applicant shall submit a bond to secure performance of the tree removal services, the applicant shall submit such a performance bond, in a form and amount approved by the Tree Warden, issued by a bonding company authorized to do business within the Commonwealth of Massachusetts, prior to the commencement of any work pursuant to this bylaw. Said bond shall specifically secure the following costs and services:

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- A. Cost of removal of tree and stump, including the hauling away of debris, and the proper filling of the stump hole.
- B. Cost of police traffic details, repair of ~~streets~~street surface and the road shoulder, protection and restoration of utility services.
- C. All other costs related to the removal and planting.

§ 270-9. Minimum standards for work.

All tree work shall be performed in compliance with ANSI Z-133 and National Arborist Association standards. The applicant must guarantee the health of the replacement tree for three years from the date of planting.

§ 270-10. Size, species and location of replacement trees.

Replacement trees shall be of such size and species as specified by the Tree Warden, and will be planted on public property, along ~~right~~rights-of-way and on setbacks as allowed by MGL ~~Chc.~~ 87, § 7. All planting locations shall be determined by the Tree Warden.

§ 270-11. Refusal to grant permission to remove trees.

Nothing in this bylaw shall be deemed to compel the Tree Warden to permit the removal of any ~~non-hazardous~~nonhazardous tree. The Tree Warden may refuse to grant the permit for the removal of a ~~non-hazardous~~nonhazardous tree if, in his opinion, the tree is of historical or scenic value, is of a size or species not commonly found along the roadways of Sturbridge, has significant wildlife value, or is an unusually healthy or significant specimen.

§ 270-12. Appeals.

All decisions of the Tree Warden may be appealed to the Board of Selectmen.

Chapter 279 - VEHICLES, ABANDONED

[formerly Ch. 3, § 3.0, of the Bylaws]

[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 279-1. Outdoor storage prohibited.

No person shall accumulate, keep, store, park, place, deposit or permit to remain upon exterior premises owned by him or under his control, any dismantled, unserviceable, junked or abandoned motor vehicle or parts thereof, unless he has a valid license to do so under the General Laws.

§ 279-2. Violations and penalties.

- A. Whoever violates or continues to violate this bylaw after having been notified by registered mail of such violation shall be punished by a fine as follows:
 - (1) ~~1st Offense~~First offense: verbal or written warning.

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- (2) ~~2nd~~Second offense: \$25.
 - (3) Each successive offense: \$50.
- B. Each day during which such violation is permitted to continue shall be deemed a separate offense.

Chapter 286 – WETLANDS

[formerly Ch. 3, §§ 3.50-3.65, of the Bylaws]

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[HISTORY: Adopted by the Town Meeting of the Town of Sturbridge. Amendments noted where applicable.]

§ 286-1. Purpose and intent.

- A. The purpose of this bylaw is to protect the wetlands, related water resources and adjoining land areas in Sturbridge by controlling, via prior review and approval, activities deemed by the Sturbridge Conservation Commission (hereinafter referred to as "Conservation Commission") as likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution control, fisheries, wildlife habitat, rare species habitat including rare plant species, recreation values, agriculture and aquaculture, deemed important by the community (collectively, the "resource area values protected by this bylaw").
- B. This bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Massachusetts Wetlands Protection Act (MGL c. 131, § 40) and its associated regulations (310 CMR 10).

§ 286-2. Jurisdiction.

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas: any freshwater wetlands, marshes, wet meadows, bogs, swamps; seasonal wetlands; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; land under water bodies; land subject to flooding or inundation by surface water or ~~ground water~~groundwater; and lands within 200 feet of any of the aforesaid resource areas (collectively the "resource areas protected by this bylaw"). Said resources shall be protected whether or not they border surface waters.

§ 286-3. Exceptions.

- A. The permit and application required by this bylaw shall not apply to 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 the Town of Sturbridge, provided that notice, oral or written, is provided to the Conservation Commission prior to commencement of work or within 24 hours after commencement, provided that the Conservation Commission certifies the work as an emergency project, and provided that the work is performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency, and provided that protective measures required by the Conservation Commission are complied with, and provided that, within 21 days of the commencement of an emergency project, a permit application shall be filed with the Commission for

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review as provided by this bylaw.

- B. Other than stated in this section, the exceptions provided in the Massachusetts Wetlands Protection Act shall not apply.

§ 286-4. Applications for permits and requests for determination.

- A. Written application shall be filed with the Conservation Commission to perform activities affecting resource areas protected by this bylaw. The permit application shall include such information and plans as are deemed necessary by the Conservation Commission to describe the 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 Conservation Commission will accept applications with a level of detail consistent with that required by the Massachusetts ~~Wetland~~Wetlands Protection Act, but reserves the right to require additional information as required to adequately review the proposed activity and determine its effect on the protected areas.
- B. When the Conservation Commission deems it appropriate, it will accept a combined application under this bylaw and the Massachusetts Wetlands ~~Protect~~Protection Act. If a combined application is accepted, the additional filing fee will be waived.
- C. Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may, in writing, request a determination from the Conservation Commission. Such a request for determination of applicability (RDA) shall contain data and plans as are deemed necessary by the Conservation Commission.
- D. At the time of a permit application or RDA, the applicant shall pay a filing fee specified in the regulations adopted by the Conservation Commission. This fee is in addition to any fee required by the Massachusetts Wetlands Protection Act.
- E. Upon receipt of a permit application or RDA, or at any time during the hearing process, the Conservation Commission is authorized to require the applicant to pay for the reasonable costs and expenses of any consultant(s) deemed necessary by the Conservation Commission to review the application or RDA. These costs and expenses shall be paid directly to the consultant by the applicant. The exercise of discretion by the Conservation Commission in making a determination that outside consultant expertise is required shall be based on its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision. The specific consultant services may include, but are not limited to, performing area survey and delineation; analyzing wildlife habitat evaluations, hydrogeologic and drainage analysis; and researching environmental or land use law.
- F. The Conservation Commission may waive the filing fee for an application or request filed by a government agency and shall waive the filing fee for a request for determination of applicability filed by a person with no financial connection with property which is the subject of the request.

§ 286-5. Notice and hearings.

- A. Any person filing a permit application or ~~aan~~ RDA with the Conservation Commission shall, at the same time, give written notice thereof, by certified mail ~~to~~ with return receipt, to all abutters according to the most recent records of the Assessors, including those across a traveled way or body of water. The notice to abutters shall include a copy of the application or request, with plans, or shall state where plans can be examined and obtained by abutters free of charge. When a person requesting a determination of applicability is other than the owner, the request, the notice of hearing and the determination of applicability itself shall be sent by the Conservation Commission to the owner as

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well as the person making the request.

- B. The Conservation Commission shall conduct a public hearing on any permit application or RDA. Written notice of the date and time shall be published in a newspaper of general circulation in the municipality at least five working days prior to the hearing. The cost of the publication shall be paid by the applicant.
- C. The Conservation Commission shall conduct a hearing within 21 days of receiving a complete permit application or request for determination of applicability unless an extension is authorized by the applicant.
- D. The Conservation Commission, in an appropriate case, may combine the hearing under this bylaw and the Massachusetts Wetlands Protection Act.
- E. The Conservation Commission shall have the authority, with the consent of the applicant, to continue the hearing to a date and time certain announced at the hearing, for reasons stated at the hearing, such as conducting a site visit or obtaining additional information. If the applicant does not consent to a continuation of the hearing, the hearing shall be closed and a decision rendered based on the information available to the Conservation Commission.

§ 286-6. Coordination with other boards.

Any person filing a permit application or RDA with the Conservation Commission shall provide, at the same time, a copy to the Board of Selectmen, Planning Board, Board of Health, Building Inspector, and Town Engineer. The Conservation Commission shall not take final action for at least 14 days to allow the above to submit written comments and recommendations with the Conservation Commission, which the Conservation Commission shall take into account but shall not be binding on the Conservation Commission. The applicant shall have the right to receive any such comments and recommendations, and respond to them at a hearing of the Conservation Commission, prior to final action.

§ 286-7. Permits, determinations and conditions.

- A. The Conservation Commission, within 21 days of closing a public hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Conservation Commission shall impose conditions it deems necessary or desirable to protect the ~~wetlands~~ resource area values protected by this bylaw. The applicant shall conduct all permitted activities in accordance with those conditions. The Conservation Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities. Lands within 200 feet of rivers, ponds, lakes, and other resource areas, are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time as a consequence of daily operation or existence of 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. The Conservation Commission therefor may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within the 200-foot area unless the applicant convinces the Conservation Commission that the area or part of it may be disturbed without harm to the values protected by ~~the~~ this bylaw.
- B. In the review of areas within 200 feet of rivers and streams, no permit issued hereunder shall permit activities unless the applicant, in addition to meeting the otherwise applicable requirements of this bylaw, has proved by a preponderance of the evidence that:

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- (1) There is no practicable alternative to the proposed project with less adverse effects;
 - (2) Such activities, including mitigation measures, will have no significant adverse impact on the areas or values protected by this bylaw.
- C. The Conservation 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 purpose), logistics, existing technology, costs of the alternatives and overall project costs.
- D. To prevent wetlands loss, the Conservation Commission shall require applicants to avoid wetlands alterations wherever feasible; shall minimize wetlands alteration; and where alteration is unavoidable, shall require full mitigation. The Conservation Commission may authorize or require replication of wetlands as a form of mitigation.
- E. The Conservation Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Conservation Commission; for failure to meet the performance standards of the bylaw; or when the Conservation Commission determines that it is not possible to conduct the requested activity without unacceptable wetlands alterations; or for any other grounds consistent with this bylaw and the Massachusetts Wetlands Protection Act, and within the Conservation Commission's authority under MGL c. 40, § 8C. A permit shall expire three years from the date of issuance. The Conservation Commission, at its discretion, may renew a permit for a period of time deemed appropriate by the Conservation Commission, providing written request for renewal is received by the Conservation Commission at least one month prior to the date of expiration.
- F. The Conservation Commission may, for good cause, revoke or modify a permit issued under this bylaw after public notice and public hearing, and notice to the permit holder.
- G. The Conservation Commission, in an appropriate case, may combine the permit or other action on the permit application issued under this bylaw with the order of conditions or denial issued under the Massachusetts Wetlands Protection Act.
- H. No work proposed in any permit application shall be undertaken until the permit issued by the Conservation 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 Conservation Commission that the permit has been recorded.

§ 286-8. Regulations.

- A. After public notice and public hearing, the Conservation Commission may promulgate rules and regulations to effectuate the purposes of this bylaw. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their validity by a court of law shall not act to suspend or invalidate the effect of this bylaw.
- B. Until such rules and regulations are issued by the Conservation Commission, the rules and regulations of the Massachusetts Wetlands Protection Act (310 CMR 10) shall be considered to apply to any permit applications or requests for determination filed under this bylaw.

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§ 286-9. Definitions.

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

ALTER — Includes, 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 material of any kind;
- B. Changing of preexisting drainage characteristics, flushing characteristics, 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, or construction 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. Compliance with the Massachusetts Forest Cutting Practices Act (MGL c. 132, §§ 40-46) does not relieve any person from compliance with this bylaw. For purposes of this bylaw, "destruction" shall mean uprooting, or cutting down below the leaf or needle region of the plant. It shall not be interpreted to mean periodic mowing or pruning. This provision of the bylaw shall apply to plant life greater than two inches in diameter at a distance of four feet above the ground;
- I. Changing water temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of water;
- J. Any activities that may cause or 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.

BANK — Includes the land area which normally abuts and confines a water body.

PERSON — Includes any individual, group of individuals, business or social organization, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth of Massachusetts or political subdivision thereof, administrative agency, public or quasi-public corporation or body and any other legal entity, its legal representatives, agents or assigns.

RARE SPECIES — Includes, without limitation, all vertebrate and invertebrate animals and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

SEASONAL WETLAND — Shall define areas subject to flooding which form temporary confined bodies of water during periods of high water table and high input from spring runoff or snow melt or heavy precipitation, and support populations of ~~non-transient~~nontransient macro-organisms or serve as breeding habitat for select species of amphibians.

SELECT SPECIES OF AMPHIBIANS — Shall define species of amphibians which depend on seasonal wetlands for breeding habitat, including: mole salamanders (*Ambystoma* ~~maeculatum~~maculatum, *A. jeffersonianum*~~jeffersonianum~~, *A. laterale*, and *A. opacum*); four-toed salamanders (*Hemidactylum scutatum*); eastern spadefoot toads (*Scaphiopus* ~~holbrookii~~holbrookii); American and Fowler's toads (*Bufo*

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a. americanus and B. woodhousii fowleri), spring peepers (Hyla c. crucifer); gray treefrogs (Hyla versicolor), and wood frogs (Rana sylvatica).

VERNAL POOL — Includes a confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, and which is free of adult fish populations, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife.

§ 286-10. Security.

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or ~~estate~~ board, agency or official, the Conservation Commission may require that the performance and observance of the conditions impose hereunder be secured wholly or in part by one or more of the methods described below:

- A. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Conservation Commission;
- B. By a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of Sturbridge, whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

§ 286-11. Enforcement; violations and penalties.

- A. The Conservation Commission shall have the authority to enforce this bylaw, its rules and regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions.
- B. Upon request of the Conservation Commission, the Board of Selectmen and the Town Counsel shall take legal action for enforcement under civil law.
- C. Any person who violates any provisions of this bylaw, rules and regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, rules and regulations, and permit violated shall constitute a separate offense.
- D. In the alternate to criminal prosecution, the Conservation Commission may elect to utilize the ~~non-criminal~~ noncriminal disposition procedure set forth in MGL c. 40, § 21D and as set forth in Chapter 1, Article I of the Town bylaws.

§ 286-12. Burden of proof.

The applicant for a permit shall have the burden of proof by a preponderance of the credible evidence that the work proposed in the application will not unacceptably alter the ~~wetland~~ 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 Conservation Commission to deny a permit or grant a permit with conditions.

§ 286-13. Relation to Massachusetts Wetlands Protection Act.

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, independent of the Massachusetts ~~Wetland~~ Wetlands Protection Act, MGL ~~Ch.~~ c. 131, § 40,

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and regulations thereunder.

§ 286-14. Applicability to previously approved projects.

Any projects possessing a valid order of conditions issued under the Massachusetts Wetlands Protection Act at the time of adoption of this bylaw shall not be subject to re-review under this bylaw. Any revisions to the projects after adoption of this bylaw that require an amended order of conditions will be subject to review under this bylaw.

§ 286-15. Severability.

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

§ DT-1. Derivation Table of Bylaw Compilation to 2021 Code.

KEY:

N/A = Not applicable; no text in prior publication.

REP = Repealed effective with adoption of Code; see Ch. 1, Art. I.

Chapter/Title from Bylaw Compilation	Location in 2021 Code
Ch. 1, Town Government	
1.0, Town Meeting	
1.1 - 1.7	Ch. 62
1.8, Appointments to Town Committees, Boards and Commissions by Single Appointing Authorities	Ch. 7, Art. I, § 7-1
1.10, Town Officers	Ch. 43
1.20, Finance Committee	Ch. 7, Art. II
1.30, Design Review Committee	Ch. 142
1.40, Council on Aging	Ch. 7, Art. III
1.50, Local Cultural Council	Ch. 7, Art. IV
1.60, Fees collected	Ch. 7, Art. I, § 7-2
1.70, Community Preservation Committee	Ch. 7, Art. V
1.80 - 1.82, Agricultural Commission	Ch. 7, Art. VI
1.83 - 1.89, Tree Warden Advisory Committee	Ch. 7, Art. VII
1.90 - 1.92, Sturbridge Tourist Association	Ch. 7, Art. VIII
1.93 - 19.4	N/A
1.95 - 1.97, Sturbridge Lakes Advisory Committee	Ch. 7, Art. IX
Ch. 2, Permits	Ch. 115
2.0 - 2.2, Newspaper Dispensing Devices, Permit and Application	Ch. 205
2.3 - 2.9, Tents	REP
2.10, Temporary Storage Containers	Ch. 240
2.20 - 2.21, Seasonal/Temporary Uses	Ch. 235
2.30 - 2.37, Demolition Delay Bylaw	Ch. 137

Chapter/Title from Bylaw Compilation	Location in 2021 Code
Ch. 3, Environmental	Ch. 115
3.0, Abandoned Motor Vehicles	Ch. 279
3.4, Wakes	Ch. 123
3.5 - 3.8, Litter	Ch. 194
3.9 - 3.20, Earth Removal	Ch. 148
3.30 - 3.35, Forest Harvesting	Ch. 161
3.50 - 3.65, Wetlands Protection	Ch. 286
3.70 - 3.77, Scenic Roads	Ch. 230
3.80 - 3.85, Right to Farm Bylaw	Ch. 156
3.90 - 3.93	Ch. 183, Art. I
Ch. 4, Public Health	
4.0, Residential Swimming Pools	REP
4.10, Trailer Coach Parks	Ch. 199
Ch. 5, Animal Control Bylaw	Ch. 115
Ch. 6, Public Works	
6.0 - 6.1, Obstructing the Public Ways by Snow	Ch. 250, Art. I, § 250-1
6.2 - 6.4	N/A
6.5 - 6.11, Surface Water Drainage Control	See Ch. 245
6.12 - 6.14	N/A
6.15 - 6.18, Road Repairs to Private Ways	Ch. 250, Art. II
6.19	N/A
6.20 - 6.21, Street Lights	Ch. 250, Art. I, § 250-2
6.22 - 6.24	N/A
6.25, Posting of Bridges	Ch. 250, Art. I, § 250-3
6.26 - 6.29	N/A
6.30, Snowplowing of Private Ways	Ch. 250, Art. III, § 250-8
6.40, Placing of Rubbish on Streets and Sidewalks	Ch. 250, Art. I, § 250-4

Chapter/Title from Bylaw Compilation	Location in 2021 Code
6.50, Clearing of Snow and Ice from Sidewalks	Ch. 250, Art. III, § 250-9
6.60, Driveway Construction Permits	Ch. 250, Art. IV
6.70, Parking Ban	Ch. 250, Art. V
6.80, Removal of Nonhazardous Shade Trees	Ch. 270
6.90, Street Excavations	Ch. 250, Art. VI
6.91, Curbs and Gutters	Ch. 250, Art. VII
6.92, Stormwater Bylaw	Ch. 245
Ch. 7, Public Protection	
7.0 - 7.10, Soliciting	Ch. 221
7.20, Conduct and Attire	Ch. 216
7.40, "Monte Carlo," "Las Vegas" Casino Gambling	Ch. 167
7.60, All Alcohol and Beer & License Training	Ch. 110, Art. I
7.70, Public Safety - Building Numbering	Ch. 129, Art. II
7.80, Civil Fingerprinting Bylaw	Ch. 189, Art. I
Ch. 8, Miscellaneous	
8.00, Licenses and Permits of Delinquent Taxpayers	Ch. 189, Art. II
8.10, Surplus Personal Property	Ch. 50
8.20, Valuation Books	Ch. 19, Art. I
8.30, Building Code	Ch. 129, Art. I
8.40 - 8.52, False Alarms	Ch. 105
8.60, Departmental Revolving Funds	Ch. 19, Art. II
Ch. 9, Enforcement: Noncriminal Disposition	Ch. 1, Art. I