

**TOWN OF CHARLTON
BY-LAW APPROVAL**

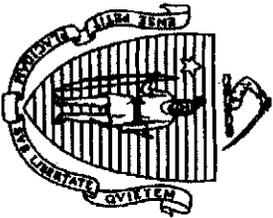
TOWN BULLETIN

**BY-LAWS VOTED AT
May 19, 2014
ANNUAL TOWN MEETING**

**WARRANT ARTICLES
21,22,23,24,25,26,27,28,29,31,32, and 33**

**POSTED August 20, 2014
By
Darlene L. Tully
Town Clerk**

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MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
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August 20, 2014

Darlene L. Tully, Town Clerk
Town of Charlton
37 Main Street
Charlton, MA 01507

RE: Charlton Annual Town Meeting of May 19, 2014 - Case # 7169
Warrant Articles # 30, 31, 32, and 33 (Zoning)
Warrant Articles # 21, 22, 23, 24, 25, 26, 27, 28, and 29 (General)

Dear Ms. Tully:

Articles 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, and 33 - We approve these Articles from the May 19, 2014, Charlton Annual Town Meeting. Our comments on Articles 29 and 33 are provided below.

Article 30 - We take no action on Article 30. Article 30 was a vote to accept the provisions of G.L. c. 43D, "Expedited Permitting," and to file an application with the Interagency Permitting Board to designate certain land in Town as a Priority Development Site. Article 30 is not a by-law amendment and is not subject to the Attorney General's review pursuant G.L. c. 40, § 32. Therefore, we take no action on Article 30.

Articles 29 and 33 - Articles 29 and 33 amend the Town's general and zoning by-laws, respectively, by making specific substantive changes identified in a document entitled "Strike-through Draft of the Bylaws of the Town of Charlton (Version #3) May 2014" that was on file in the Town Clerk's Office. Our approval of the recodified general and zoning by-laws adopted under Articles 29 and 33 is limited solely to those changes that were identified in the Strike-through Draft of the by-laws submitted to this Office and does not include approval of any other changes to the by-laws.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect

from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MARTHA COAKLEY
ATTORNEY GENERAL

Kelli E. Gunagan

by: Kelli E. Gunagan, Assistant Attorney General
By-law Coordinator, Municipal Law Unit
Office of Attorney General Martha Coakley
10 Mechanics Street
Worcester, MA 01608
508-792-7600

cc: Town Counsel James F. Cosgrove



Form 2 sub #2

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 19, 2014 the following
business was transacted under Article 21.

**ARTICLE 21. AMENDMENTS TO CHARLTON GENERAL BYLAWS - TOWN-
OWNED LAKES AND PONDS, DOCKS, MOORING & BERTHING
BYLAW; AND NONCRIMINAL DISPOSITION ENFORCEMENT
PROCEDURE BYLAW AS TO SAME.**

To see if the Town will vote:

A. To amend the Town of Charlton General Bylaws by adding thereto an additional bylaw reading as follows, such to be assigned such article or chapter number, with such other clerical or formatting revisions as may be necessary to accord with the re-codification to be voted upon under a later article of this annual town meeting, if such re-codification is approved, and in an event as the Board of Selectmen deem appropriate:

**"ARTICLE . . . TOWN-OWNED LAKES AND PONDS, DOCKS, MOORING & BERTHING
BYLAW**

PREAMBLE: In order to better control the use of town-owned land, prevent unauthorized or overburdening use of same, ensure adequate public access, and facilitate the effective management of certain uses of same, the following Bylaw has been adopted as to land owned by the Town of Charlton, or in which it has an easement for public access, in or abutting waters owned by the Town of Charlton.

Section 1 Authority, Rules & Regulations and Enforcement

This Bylaw is adopted by the Town of Charlton pursuant to the powers provided or reserved to it by the Massachusetts Home Rule Amendment, any applicable Massachusetts General Laws and Regulations, and any other applicable legal authority.

Any violation of this Bylaw may be enforced by the Chief of Police or by any police officer of the Town of Charlton, including without limitation under the provisions of Mass. General Laws Chapter 40, Section 21 or through the noncriminal disposition procedure under Mass. General Laws Chapter 40, Section 21D and what is presently, or what prior to the re-codification of the General Bylaws at the May 2014 annual town meeting, if any, appeared as, Article XXXXIV of the Charlton General Bylaws. Such remedies shall not be exclusive but shall instead be in addition to any and all other rights and remedies, whether legal or equitable in nature, which the Town may have as to the subject matter covered by this Bylaw.



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 19, 2014 the following
business was transacted under Article 21.

Section 2 Definitions

The following words, for the purposes of this Bylaw, unless another meaning is clearly apparent from the way the word is used, shall have the following meanings:

Berth: *n.* a place for a vessel to dock or anchor; *v.* to bring a vessel to, or maintain a vessel in, a berth; to dock

Docks / Piers: (the terms "dock" and "pier" shall be used interchangeably for the purposes of this Bylaw) shall mean the entire structure of any pier, wharf walkway, bulkhead, or float, and any part thereof, including pilings, ramps, walkways, float, tie-off pilings, dolphins and/or outhaul posts, that is located on a town-owned bank, or town-owned land under a town-owned water body or waterway

Mooring: The act or an instance of securing or making fast a vessel to the shore, the bottom or a structure, as by a cable or anchor; a place or structure to which a vessel can be moored; equipment, such as anchors or chains, for holding fast a vessel.

Person: any individual, partnership, association, trust, firm, corporation, limited liability company or other legal entity, excluding the Town of Charlton or any board, commission, department or agent of same authorized by the Charlton Board of Selectmen, and any other public or quasi-public agency or authority, if any, having the legal right to do anything otherwise proscribed by this Bylaw.

Private Dock/Pier: a dock/pier (as defined above) for residential use.

Vessel: every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 19, 2014 the following
business was transacted under Article 21.

Section 3 Mooring and Docks

No dock, pier, mooring, float or other structure or object shall be affixed to, placed or maintained on any town-owned bank or other town-owned land, including any such located under a body of water, or any town-owned easement, by any person other than the town itself or one of its duly authorized boards, commissions or agencies, provided: a. that as to any such town-owned easement this provision shall apply only to the extent that the town's easement interest so permits; and b. that nothing in this Bylaw is intended to, nor shall, unreasonably restrict or impair any legal right of any owner of land abutting any such body of water.

Exception: Private docks and moorings will be permitted only on land contiguous to the parcel being served and with the written permission of the land owner. Docks will be placed in such a manner as to allow access to the water for associated uses and vessel berthing, but not in such a manner as to impede the rights of others or cause a safety or navigational hazard. Slalom courses, ski jumps, and navigation aids are exempt as long as they are placed in such a manner as not to impede the rights of others or cause a safety or navigational hazard.

Section 4 Docks, Mooring and Berthing, Inspection

The Charlton Police may inspect any dock/mooring/berth; and may require removal of any dock/mooring/berth that fails to meet the provisions of this Bylaw.

Section 5 Moving, Relocating, Removal of Dock/Mooring

Any expense of such removal, and any expense incurred by the Town, including reasonable attorney fees, shall be the responsibility of the owner of said dock/mooring/berth.

Section 6 Penalties

The owner of any dock/mooring/berth or other structure or object found in violation of this Bylaw or any rule or regulation adopted hereunder, shall be liable to the following fines:



pg. 4.

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 19, 2014 the following
business was transacted under Article 21.

First Offense	\$50.00
Second Offense	\$75.00
Third and each subsequent offense (Within a calendar year)	\$100.00

Each day when a violation continues shall constitute a separate offense and shall be subject to a separate, additional fine.

Nothing in this Bylaw is intended to, nor shall, contravene or alter in any way any provision of MA or federal law or regulation. If any provision of this Bylaw is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the Bylaw shall not be invalidated.

and
B. To amend what is presently, or what prior to the re-codification of the General Bylaws at the May 2014 annual town meeting, if any, appeared as, the Noncriminal Disposition Enforcement Procedure Article of the Charlton General Bylaws by adding at the end thereof the following, such to be assigned such article or chapter number, with such other clerical or formatting revisions as may be necessary to accord with the aforementioned re-codification, if any, as the Board of Selectmen deem appropriate:

“[Article or Chapter number to be inserted as appropriate]. Town of Charlton
Town-Owned Lakes And Ponds, Docks, Mooring and Berthing Bylaw:
Enforcing persons: Police Chief; any Charlton Police Officer.

Fine schedule: \$50 for first offense, \$75 for second offense, and \$100 for the third and subsequent offense, or such other fines as are set forth in said Town-Owned Lakes And Ponds, Docks, Mooring and Berthing Bylaw as same may be amended from time to time.”
or take any action relative thereto or thereon.



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held Nov 19, 2014 the following
business was transacted under Article 21.

SPONSOR: BOARD OF SELECTMEN, CONSERVATION COMMISSION AND
CONSERVATION AGENT

Motion and second that Article 21 be accepted as printed.

Board of Selectmen, Bylaw Committee and Conservation Commission approve this motion.

Majority vote needed.

Motion passes by Majority Vote.

A true copy, Attest

Darlene L. Tully
Town Clerk

Town Seal



Form 2 sub. 2

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 19 2014 the following business was transacted under Article 28.

ARTICLE 22. AMENDMENTS TO CHARLTON GENERAL BYLAWS - SOLICITORS BYLAW

To see if the Town will vote to amend the Town of Charlton General Bylaws by deleting what is presently, or what prior to the re-codification of the General Bylaws, if any, at the May 2014 annual town meeting appeared as, "Article XXXIII: Solicitors" and substituting therefor the below bylaw, such to be assigned such article or chapter number, with such other clerical or formatting revisions as may be necessary to accord with the aforementioned re-codification, if any, as the Board of Selectmen deem appropriate:

"[ARTICLE] or [CHAPTER] _____: SOLICITORS
Section 1:

A. It shall be unlawful for any solicitor or canvasser as defined in this Bylaw to engage in such business within the Town of Charlton without first obtaining a license therefor in compliance with the provisions of this Bylaw. The provisions of this Bylaw, with the exception of Section 4, paragraph C, shall not apply to:

- (i) any person engaged in the pursuit of soliciting for charitable, benevolent, fraternal, religious or political activities;
- (ii) any person exempted by any other General Law;
- (iii) salesmen or agents for wholesale houses, or firms who solicit orders from or sell to, retail dealers for resale, or to manufacturers for manufacturing purposes; nor to
- (iv) bidders for public works or supplies.

Nor shall this Bylaw be construed in such a way as to prevent persons having established customers to whom they make periodic deliveries from calling upon such established customers to solicit an order for future deliveries.

B. "Solicitor or canvasser" is defined as any person who, for such person or for another person, firm, corporation or other legal entity, travels by foot, automobile or any other type of conveyance from place to place, or from house to house, for the purpose of soliciting funds for any purpose or selling, distributing, offering or exposing for sale, or soliciting orders for:



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 19, 2014 the following business was transacted under Article 212.

- (a) magazines, books, periodicals or other articles, goods or items of a commercial nature; or
- (b) services of a commercial nature, including without limiting the generality of the foregoing, services for home, driveway or land improvements,

whether or not such individual has, carries or exposes a sample of or documents relating to the subject of such sale, and whether or not he is soliciting or collecting or attempting to collect advance payment for or relating to the foregoing.

C. Applicants for a license shall file with the Chief of Police, on a form issued by him, a written application signed under the penalty of perjury, containing the following information:

- (a) Name of applicant.
- (b) Address of applicant (local and permanent address if different).
- (c) Applicant's height, eye and hair color.
- (d) Applicant's Social Security Number.
- (e) The length of time for which the license is sought.
- (f) A brief description of the nature of the business and the goods and/or services to be sold, distributed, offered or exposed.
- (g) The name and home office address of the applicant's employer. If self-employed, it shall so state.
- (h) A photograph of the applicant, frontal view, which picture shall be submitted by the applicant and be 2" x 2", showing the head and shoulders of the applicant in a clear manner which would enable a person to identify the applicant upon sight.
- (i) A statement as to whether or not the applicant has been convicted of any crime, including without limiting the generality of the foregoing any misdemeanor (excepting therefrom any motor vehicle violation), within ten years of the date of application, and the nature of the offense.
- (j) If operating a motor vehicle: The year, make, color, model, motor number, registration number, State of Registration, vehicle's owner and address.
- (k) The applicant's fingerprints.

Handling and procedures as to fingerprints shall conform with the Civil Fingerprinting License Bylaw adopted pursuant to Mass. Gen. Laws Chapter 6, Sec. 172B ½ as part of the Charlton General Bylaws. The town shall comply with the requirements of Mass. Gen. Laws Chapter 93H as to maintenance, storage and reporting of any actual or suspected release or misuse of any "personal information", as



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VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 19 2014 the following
business was transacted under Article 23.

D. At the time of filing the application, each applicant shall pay a fee of ten and 00/100 Dollars (\$10.00) to the Town of Charlton. The applicant shall also at the time of filing the application, pay a fee of fifty and 00/100 Dollars (\$50.00) for the cost of Civil Fingerprinting pursuant to Mass Gen. Laws Chapter 6, Sec. 172B ½ and the aforementioned Charlton Fingerprinting Bylaw.

E. (1) Upon receipt of the application the Chief of Police (which wherever used herein shall be deemed to include the Chief's designee) shall investigate the applicant's background and reputation as to compliance with law, business practices, character, morals and integrity to the extent that such may relate to the standards set forth in sub-paragraph (2) immediately below.

(2) Within twenty-one (21) days of his receipt of the application the Chief shall approve or disapprove the application and notify the applicant of the decision. The decision may be based on any information reasonably related to public safety or protection of the public from fraud or unfair business practices (by way of example only: conviction of, or an admission or Court finding of responsibility for, any crime or juvenile delinquency violation involving violence, fraud, theft, or misappropriation of funds; violation of a consumer protection law; dishonesty in contractual dealings with another person). Any denial shall be in writing and shall state the reason(s) for the denial, a copy of which shall be provided to the applicant. (Note: Nothing herein shall derogate from the provisions of what is presently, or what prior to the re-codification of the General Bylaws at the May 2014 annual town meeting, if any, appeared as, Article XXXII of the Charlton General Bylaws concerning denial, revocation or suspension of any license for neglect or failure to pay any local tax, fee, assessment, betterment or other municipal charge, all of which shall apply to any license sought or granted under this Bylaw.)

(3) In the event that the application is approved, a license and an identifying badge shall be issued within three (3) business days of the decision.

F. (1) Any applicant shall have the right to appeal a denial to the Board of Selectmen, which shall uphold the Chief's decision unless it determines that such was arbitrary, capricious or wholly unrelated to any ground set forth above for denial.

(2) Such appeal shall be taken by filing with the Town Clerk, with a copy to the Town Administrator's office, each by first class mail, postage prepaid or by hand delivery, a written statement of the grounds for the appeal, within five (5) days after notice of decision by the Chief of Police has been given.

(3) The Board of Selectmen shall set the time and place for the hearing such appeal, and notice of such time and place shall be given by the Town Clerk by first class, postage prepaid mailing to the license holder at the address given on the application. at least five (5) days prior to the date set for the hearing.



pg. 3

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 19, 2014 the following business was transacted under Article 22.

- (4) At the hearing the license holder shall be afforded an opportunity to present any information and evidence he or she believes pertinent to the ground(s) for the appeal and to the denial.
- (5) The Board shall issue a written decision within fourteen (14) days of conclusion of the hearing and shall uphold the Chief's decision unless it determines that such was arbitrary, capricious or wholly unrelated to any ground set forth above for denial.
- G. Such license, when issued, shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee, the town and state of issuance and the length of time the same shall be operative, as well as the license number.
- H. The Chief of Police shall keep a record for six (6) years of all licenses issued.
- I. (1) Solicitors and canvassers, when engaged in the business of soliciting or canvassing, are required to display an identifying badge issued by the Chief of Police, by wearing said badge at all times on their outermost garment.
- (2) A deposit of Five Dollars (\$5.00) will be required for each badge. This deposit will be refunded upon return of the badge to the Chief of Police.
- (3) Each solicitor or canvasser, and each of such solicitor's or canvasser's employees or agents, is required to possess an individual license and badge.
- J. The Police Officers of the Town of Charlton shall enforce this Bylaw in accordance with Section 7 below.
- K. The Chief of Police and/or Board of Selectmen may revoke any license in accordance with Section 6 below.
- L. Each license issued under the provisions of this Bylaw shall continue in force for such period as is specified in the license, or, if no period is specified therein, for twelve (12) months from the date of its issuance, unless sooner revoked.
- M. An applicant requesting a renewal of a license must apply in person for such license renewal, and provide such material relating to the information described in Sec. 1, paragraph C above as may be required by the Chief of Police.



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VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 19, 2014 the following business was transacted under Article 22.

Section 2:

It shall be unlawful for any person to solicit or conduct any activity described in Sec. 1, paragraph B of this Bylaw before the hour of 8:00 AM of any day or after the hour of 9:00 PM of any day except by appointment.

Section 3:

It shall be unlawful and a violation of this Bylaw for any solicitor or canvasser to ring a bell or knock at any building whereon there is painted, affixed or otherwise displayed to public view any sign containing any or all of the following words: "NO PEDDLERS", "NO SOLICITORS" or "NO AGENTS" or which otherwise expresses an intent to prohibit peddling or soliciting on the premises.

Section 4:

A. It shall be unlawful for any peddler or solicitor to represent by words, writing or action that he is some other peddler or solicitor, that he is a partner, employer, employee, representative or agent of any peddler or solicitor when in fact he is not the partner, employer, representative, agent or employee of such peddler or solicitor, or that he is the employer, employee, representative, agent or partner of any person, when in fact he is not the employer, employee, representative, agent or partner of such person.

B. No solicitor or canvasser may misrepresent, in any manner, the buyer's right to cancel as stipulated by chapter 255D of the General Laws.

C. No solicitor or canvasser, licensed or exempted from licensing, may use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office or other establishment with the purpose of making a sale of consumer goods or services or for soliciting funds.

Section 5:

The provisions of the Bylaw, with the exception of Section 4, paragraph C, immediately above, shall not apply to salesmen or agents for wholesale houses, or firms who solicit orders from or sell to, retail dealers for resale, or to manufacturers for manufacturing purposes, or to bidders for public works or supplies or to charitable, religious, fraternal, service and civic organizations.



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VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 19, 2014 the following
business was transacted under Article 22.

Section 6:

A. Licenses issued pursuant to this Bylaw may be revoked by the Chief of Police of the Town of Charlton, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or any false statement made to the Police Department in furnishing the information required in Section 1 of this Bylaw.
 - (2) Any violation of this Bylaw.
 - (3) Conviction, or an admission or Court finding of responsibility, of or by the license holder as to any felony, crime or juvenile delinquency violation involving moral turpitude, embezzlement or a crime of this nature, or of a nature upon which a license application may be denied pursuant to Sec. 1, paragraph E(2) above.
 - (4) Conducting the soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to be a menace to the health, safety or general welfare of the people of the Town of Charlton or the general public.
- B. Notice of the hearing for consideration of revocation of a license shall be given in writing, stating the ground(s) for such possible revocation and the time and the place of hearing.
- C. Such notice shall be mailed first class, postage prepaid, to the license holder at the address given on the application/license, at least five (5) days prior to the date set for the hearing.
- D. (1) Any person aggrieved by the decision of the Chief of Police shall have the right of appeal to the Board of Selectmen.

(2) Such appeal shall be made by filing with the Town Clerk, with a copy to the Town Administrator's office, each by first class mail, postage prepaid or by hand delivery, a written statement of the grounds for the appeal, within five (5) days after notice of decision by the Chief of Police has been given.

(3) The Board of Selectmen shall set the time and place for hearing such appeal, and notice of such time and place shall be given by the Town Clerk to the license holder in the manner hereinabove provided for notice of hearing or possible revocation by the Chief of Police.



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 19, 2014 the following business was transacted under Article 22.

(4) At the hearing the license holder shall be afforded an opportunity to present any information and evidence he or she believes pertinent to the ground(s) for the appeal and to the revocation.

(5) The Board shall issue a written decision within fourteen (14) days of conclusion of the hearing and shall uphold the Chief's decision unless it determines that such was arbitrary, capricious or wholly unrelated to any ground set forth above for revocation.

Section 7:

- A. The Police Officers of the Town of Charlton shall enforce this Bylaw.
- B. Every person violating any provision of this Bylaw is guilty of a misdemeanor and shall be punished by a fine not exceeding \$50.00.
- C. Alternatively, violations may be enforced by the Charlton Police by means of a \$50.00 penalty per violation using non-criminal disposition procedures pursuant to Section 21D of Chapter 40 of the Massachusetts General Laws and what is presently, or what prior to the re-codification of the General Bylaws at the May 2014 annual town meeting, if any, appeared as, Article XXXXIV of the Charlton General Bylaws, i.e., the Noncriminal Disposition Enforcement Procedure Bylaw.
- D. Every violator of any provision of this Bylaw shall be guilty of a separate offense as to every day such violation shall continue and shall be subject to a separate fine or penalty imposed by this section for each and every separate offense.”
or take any action relative thereto or thereon.



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VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 19, 2014 the following business was transacted under Article 23.

SPONSOR: BOARD OF SELECTMEN AND CHIEF OF POLICE
Motion and second that Article 22 be accepted as printed.
Board of Selectmen and Bylaw Committee approve this motion. Majority vote needed.
Motion passes by Majority Voice Vote.

A true copy, Attest

Darlene L. Tully
Town Clerk

Town Seal



Seems 2 sub. #2

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 19, 2014 the following business was transacted under Article 23

ARTICLE 23.

AMENDMENTS TO CHARLTON GENERAL BYLAWS - ARTICLE XXI: REMOVAL OF SNOW AND ICE FROM SIDEWALKS

To see if the Town will vote to amend the following sections of the Town of Charlton General Bylaws by adding the text shown below in bold font, the added text to appear in the final version of the Bylaws as so amended in regular font, and the remainder of such sections to remain as they presently appear in the Bylaws (subject to such clerical or formatting revisions as may be necessary to accord with the re-codification to be voted upon under a later article of this annual town meeting, if such re-codification is approved), or take any action relative thereto or thereon:

Section 1(c): "~~Superintendent~~ **Police Chief**" shall mean the ~~Superintendent of the Highway Department~~ Chief of Police of the Town, or his designee.

And

Section 4: Enforcement and Penalty:

The ~~Superintendent~~ **Police Chief** shall enforce the provisions of this bylaw. Any owner who continues to violate any provision of this bylaw after twenty-four hours following receipt by him of written notice of such violation from the ~~Superintendent~~ **Police Chief** shall be liable to a penalty not exceeding fifty dollars for each offense. Each day that such violation continues after such twenty four hour period shall constitute a separate offense.

, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

Motion and second that Article 23 be accepted as printed.
Board of Selectmen and Bylaw Committee approve this motion. Majority vote needed..
Motion passes by Majority Voice Vote.

Darlene L. Tully A TRUE COPY ATTEST
Town Clerk *Darlene L. Tully*
TOWN CLERK Town Seal



Form 2 sub. #2

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 19, 2014 the following

business was transacted under Article 24
**ARTICLE 24. AMENDMENT TO CHARLTON GENERAL BYLAWS - PUBLIC
CONSUMPTION OF MARIHUANA**

To see if the Town will vote:

- A. To amend the Town of Charlton General Bylaws by adding thereto an additional bylaw reading as follows, such to be assigned such article or chapter number, with such other clerical or formatting revisions as may be necessary to accord with the re-codification to be voted upon under a later article of this annual town meeting, if such re-codification is approved, and in any event as the Board of Selectmen deem appropriate:

“[ARTICLE] [or [CHAPTER] _____ : **PUBLIC CONSUMPTION OF MARIHUANA BYLAW**

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

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

B. To amend what is presently, or what prior to the re-codification of the General Bylaws at the May 2014 annual town meeting, if any, appeared as, the Noncriminal Disposition Enforcement Procedure Article of the Charlton General Bylaws by adding at the end thereof the following, such to be assigned such article or chapter number, with such other clerical or formatting revisions as may be necessary to accord with the aforementioned re-codification, if any, as the Board of Selectmen deem appropriate:



pg. 2

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 19, 2014 the following business was transacted under Article 34.

“[Article or Chapter number to be inserted as appropriate]. _____ Town of Charlton
Public Consumption Of Marihuana Bylaw: _____

Enforcing persons: the Board of Selectmen, Town Administrator, or their duly authorized agents, or Police Chief or any Charlton Police Officer.

Fine schedule: \$300, or such other fines as are set forth in said Public Consumption Of Marihuana Bylaw as same may be amended from time to time.”

, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN & CHIEF OF POLICE

Motion and second that Article 24 be accepted as printed.

Board of Selectmen and Bylaw Committee approve this motion. Majority vote needed.

Motion passes by Majority Voice Vote.

A true copy, Attest

Darlene L. Tully
Town Clerk

Town Seal



Forms 2 sub. # 2

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 19, 2014 the following business was transacted under Article 25.

ARTICLE 25. AMENDMENTS TO CHARLTON GENERAL BYLAWS - CIVIL FINGERPRINTING LICENSE BYLAW

To see if the Town will vote to amend the Civil Fingerprinting License By-Law adopted under Article 20 of the warrant for the May 2012 annual town meeting pursuant to Mass. General Laws Chapter 6, Section 172 B ½, as follows:

By inserting the following, additional sentence immediately after the first sentence of such bylaw: "The Police Department shall conduct such a check as to each original application for the issuance, and as to any application for a transfer, of any such license, and every three (3) years thereafter in connection with any application for a renewal of any such license."

, with such other clerical or formatting revisions, if any, as may be necessary to accord with the General By-Laws re-codification to be voted upon under a later article of this annual town meeting, if such re-codification is approved; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN & CHIEF OF POLICE
Motion and second that Article 25 be accepted as printed.
Board of Selectmen and Bylaw Committee approve this motion. Majority vote needed.
Motion passes by Unanimous Voice Vote.

A true copy, Attest

Darlene L. Tully

Darlene L. Tully
Town Clerk

Town Seal



Ferns & sub. #2

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 19, 2014 the following business was transacted under Article 26.

ARTICLE 26.

BYLAW TO REQUIRE CONNECTION TO PUBLIC WATER LINE

To see if the Town will vote to amend the Charlton General Bylaws by adding to Chapter XXII Water Use Bylaw a new Section 6 Mandatory Water Connection reading as follows:

"If a lot of land abuts a public or private way or easement in which there is a public water supply pipe, any building constructed, reconstructed, substantially enlarged or substantially altered upon such lot, the building permit for which is issued on or after the effective date of this section, must be connected to the water supply pipe prior to occupancy, unless the Water and Sewer Commission determines that doing so would create an undue hardship or determines that the water supply pipe or water system has insufficient capacity to accommodate such building, such connection to be in compliance with all applicable rules, regulations, standards, procedures and fees and assessments of the Water and Sewer Commission. For the purpose of this section, reconstruction shall mean demolition of an existing building and construction of a new building upon a lot whether or not within the footprint of the existing foundation; substantial enlargement shall mean an increase of gross floor area of a building by fifty percent or more; and substantial alteration shall mean alteration of a building for the purpose of accommodating a new use or expanding an existing use which new or expanded use is estimated, using the standards set forth in the State Environmental Code or similar regulation by which water consumption or sewage disposal requirements of buildings and uses are calculated, to require fifty percent more potable drinking water than the existing use of the building. Hardship shall be determined based upon factors set forth in regulations adopted or to be adopted by the Water and Sewer Commission."

, with such other clerical or formatting revisions, if any, as may be necessary to accord with the General By-Laws re-codification to be voted upon under a later article of this annual town meeting warrant, if such re-codification is approved;

, or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

Motion: ~~I move that Article 26 be accepted as printed.~~

W/S has an alternative motion:

Motion and second that the Town will vote to amend the Charlton General Bylaws by adding to Chapter XXII Water Use Bylaw a new Section 6 Mandatory Water Connection reading as follows:



Pg. 2

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 19, 2014 the following business was transacted under Article 26.

"If a lot of land abuts a public or private way or easement in which there is public water available, any new principal building constructed, the building permit for which is issued on or after the effective date of this section, must be connected to the water supply pipe prior to occupancy, unless the Water and Sewer Commission determines that doing so would create an undue hardship. Hardship shall be determined based upon factors set forth in regulations adopted or to be adopted by the Water and Sewer Commission"

, with such other clerical or formatting revisions, if any, as may be necessary to accord with the General By-Laws re-codification to be voted upon under a later article of this annual town meeting warrant, if such re-codification is approved."

Board of Selectmen and Finance Committee support this motion. Majority vote needed.
Motion passes by a counted vote of. Yes-38 No-22

A true copy, Attest

Darlene L. Tully

Darlene L. Tully
Town Clerk

Town Seal



Form 2 sub. # 2

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 19, 2014 the following business was transacted under Article 27.

ARTICLE 27. RENUMBERING AND RECAPTIONING OF COMPILED GENERAL BYLAWS

To see if the Town will vote to renumber and recaption the Compiled General Bylaws of the Town as follows: to assign a new number to each chapter of the Compiled Bylaws; to renumber each section accordingly; to insert chapter and section titles; to update internal references to reflect the new numbering system; and to reorganize defined terms to be indented and capitalized in the definitions sections of various chapters, all as set forth in the document entitled "Strike-through Draft of the Bylaws of the Town of Charlton (Version #3) May 2014" on file in the office of the Town Clerk; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

Motion and second that Article 27 be accepted as printed, provided however, that the following text presently appearing in the General Town Bylaws but inadvertently omitted from the May 2014 Strike-through draft referenced in the Article, shall be retained in the Compiled General Bylaws: (a) the Finance Committee Alternate Member position approved under Article 13 of the warrant for the May 2, 2009 Annual Town Meeting; (b) the position of "Dog Officer" shall appear instead as "Animal Control Officer" as voted by an earlier town meeting; (c) the adding of the Boston Post Cane Committee to the list of officials appointed by the selectmen as voted in Article 15 of the warrant of October 28, 2008 Special Town Meeting, etc." Board of Selectmen and Bylaw Committee support this motion. Majority vote needed. Motion passes by Unanimous Voice Vote.

A true copy, Attest

Darlene L. Tully
Town Clerk

Town Seal

form 2 pub. # 2



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 19, 2014 the following business was transacted under Article 28.

ARTICLE 28. GLOBAL REVISIONS TO TEXT OF COMPILED GENERAL BYLAWS

To see if the Town will vote to enact certain global changes to the text of the Compiled General Bylaws of the Town, all as incorporated in the document entitled "Strike-through Draft of the Bylaws of the Town of Charlton (Version #3) May 2014" on file in the office of the Town Clerk, as follows:

1. To cite statutory references to the Massachusetts General Laws in a consistent manner, to read in the form MGL c. __, § __.
2. To consistently spell and capitalize the word "bylaw," as follows: Where "by-law" is hyphenated, to standardize the spelling as "bylaw"; and to lowercase capitalized references to "this Bylaw" which are not proper nouns (however, references to "Bylaw" in titles of laws or other proper nouns remain capitalized);
3. To cite numbers in the following standard styles:
 - A. Numerals: one (1), two (2), etc.
 - B. Fractions: one-half (1/2)
 - C. Percentages: fifty percent (50%)
 - D. Monetary amounts: one hundred dollars (\$100)

or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

Motion and second that Article 28 be accepted as printed.

Board of Selectmen and Bylaw Committee support this motion. Majority vote needed.

Motion passes by Unanimous Voice Vote.

Darlene L. Tully
Town Clerk

A TRUE COPY ATTEST
Darlene L. Tully
TOWN CLERK

Town Seal



form & pub. # 2

VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 19, 2014 the following
business was transacted under Article 29.

ARTICLE 29. STRIKETHROUGH/UNDERLINE REVISIONS TO TEXT OF COMPILED GENERAL BYLAWS

To see if the Town will vote to enact certain changes to the text of the Compiled General Bylaws of the Town, as noted by strikeouts (indicating deletion) and underlines (indicating addition), all as set forth in the document entitled "Strike-through Draft of the Bylaws of the Town of Charlton (Version #3) May 2014" on file in the office of the Town Clerk, provided that the amount of any fee specified in the present version of such Bylaws shall remain in effect until the board or commission in which such changes vest authority to establish the amount of such fee shall remain in effect until such board or commission has completed the required action to establish such amount; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

Motion and second that Article 29 be accepted as printed, provided however that the amount of any fee specified in the present version of the Compiled General Bylaws, and the provisions as to how all such fees are established, shall remain in effect and that the revisions to be made in the text of such Bylaws by vote under this motion shall not include any change in any such fee, nor any change in how such fee is to be established.

Board of Selectmen and Bylaw Committee support this motion. Majority vote needed.
Motion passes by Unanimous Voice Vote.

A true copy, Attest

Darlene L. Tully
Town Clerk

Town Seal

Items 2 sub. #2



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 19, 2014 the following
business was transacted under Article 30.

ARTICLE 30. ACCEPTANCE OF MGL CHAPTER 43D EXPEDITED PERMITTING AND PRIORITY DEVELOPMENT SITE

To see if the Town will vote to accept the provisions of chapter 43D of the MA General Laws as amended pursuant to Section 11 of chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land at Sturbridge Road (Map 31, Parcel D4) and Sturbridge Road (Map 31, Parcel D3) as a Priority Development Site, or take any other action in relation thereto.

SPONSOR: BOARD OF SELECTMEN, PLANNING BOARD & EDC
Motion and second that Article 30 be accepted as printed.
Board of Selectmen, Bylaw Committee and Planning Board support this motion. Majority vote needed.
Motion passes by Majority Voice Vote.

A true copy, Attest

Darlene L. Tully

Darlene L. Tully
Town Clerk

Town Seal

forms 2 sub. # 2



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of
Charlton, held May 19, 2014 the following
business was transacted under Article 31.

ARTICLE 31. RENUMBERING, RECAPTIONING AND REVISION OF ZONING BYLAW

To see if the Town will vote to renumber, recaption and revise the Zoning Bylaw of the Town as noted by strikeouts (indicating deletion) and underlines (indicating addition), all as set forth in the document entitled "Strike-through Draft of the Bylaws of the Town of Charlton (Version #3) May 2014" on file in the office of the Town Clerk; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

Motion and second that Article 31 be accepted as printed.

Board of Selectmen, Bylaw Committee and Planning Board support this motion. 2/3rds vote needed.

Motion passes by Unanimous Voice Vote.

A true copy, Attest

Darlene L. Tully
Town Clerk

Town Seal

Forms 2 sub # 2



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 19, 2014 the following business was transacted under Article 32

ARTICLE 32.

GLOBAL REVISIONS TO TEXT OF ZONING BYLAW

To see if the Town will vote to enact certain global changes to the text of the Zoning Bylaw of the Town, all as incorporated in new Chapter 200, Zoning, of the document entitled "Strike-through Draft of the Bylaws of the Town of Charlton (Version #3) May 2014" on file in the office of the Town Clerk, as follows:

1. To cite statutory references to the Massachusetts General Laws in a consistent manner, to read in the form MGL c. __, § __.
2. To consistently spell and capitalize the word "bylaw," as follows: Where "by-law" is hyphenated, to standardize the spelling as "bylaw"; and to lowercase capitalized references to "this Bylaw" which are not proper nouns (however, references to "Bylaw" in titles of laws or other proper nouns remain capitalized);
3. To cite numbers in the following standard styles:
 - A. Numerals: one (1), two (2), etc.
 - B. Fractions: one-half (1/2)
 - C. Percentages: fifty percent (50%)
 - D. Monetary amounts: one hundred dollars (\$100)

or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

Motion and second that Article 32 be accepted as printed.
Board of Selectmen, Bylaw Committee and Planning Board support this motion. 2/3rds vote needed.

Motion passes by Unanimous Voice Vote.

Darlene L. Tully
Town Clerk

TRUE COPY ATTEST
Darlene L. Tully
TOWN CLERK

Town Seal

Form 2 pub # 2



VOTE CERTIFICATE

TOWN OF CHARLTON

At a legal meeting/election of the qualified voters of the Town of Charlton, held May 19, 2014 the following business was transacted under Article 33.

ARTICLE 33. STRIKETHROUGH/UNDERLINE REVISIONS TO TEXT OF ZONING BYLAW

To see if the Town will vote to enact certain changes to the text of the Zoning Bylaw of the Town, as noted by strikeouts (indicating deletion) and underlines (indicating addition), all as set forth in the document entitled "Strike-through Draft of the Bylaws of the Town of Charlton (Version #3) May 2014" on file in the office of the Town Clerk; or take any action relative thereto or thereon.

SPONSOR: BOARD OF SELECTMEN

Motion and second that Article 33 be accepted as printed.

Board of Selectmen, Bylaw Committee and Planning Board support this motion. 2/3rds vote needed.

Motion passes by Unanimous Voice Vote.

A true copy, Attest

Darlene L. Tully
Town Clerk

Town Seal