

Town of Charlton General Bylaws

**As Amended Thru
Annual Town Meeting
May 2005**

Prepared by:
Cheryl Meskus

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ARTICLE I: TOWN MEETING

Gender Neutrality of terms: all male or female nouns and pronouns and other references herein which are gender-specific are intended, and shall be deemed, to refer to both female and male genders. By way of examples, the term “his” and “hers” shall be deemed to mean “his or hers”, the terms “he” or “she” shall be deemed to mean “s/he”, etc.

Section 1:

The annual election of town officers shall be held on the first Saturday in May, polls will be open from 8:00 am to 8:00 pm. and the annual town meeting for the transaction of other business shall be held on the third Monday in May, commencing at 7:00 pm and adjournment shall be at 11:00 pm unless voted otherwise by the registered voters present.

Section 2: Posting

Notice of town meetings shall be given by posting attested copies of the warrant calling the meeting at each of the Post Offices, in the Charlton Municipal Offices/George C. McKinstry Building, and in Dexter Memorial Hall in the Town, at least seven days before an annual town meeting and at least fourteen days before a special town meeting.

Section 3:

The selectmen shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by ten or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which shall be requested of them in writing by one hundred registered voters of the town. The selectmen shall call a special town meeting upon request in writing, upon a form approved by the state secretary, of two hundred registered voters of the town; such meeting to be held not later than forty-five days after the receipt of such request, and shall insert in the warrant therefore all subjects the insertion of which shall be requested by said petition. No action shall be valid unless the subject matter thereof is contained in the warrant. Two or more distinct town meetings for distinct purposes may be called by the same warrant.

Section 4:

In town meetings, all persons present shall, as far as practicable, be seated.

Section 5:

All motions and amendments shall be in writing when requested by the Moderator or Town Clerk.

Section 6:

When one is recognized by the Moderator he shall rise and be given the floor to speak.

Section 7:

A person who is not a registered voter may speak at a town meeting, provided such person is so authorized by a majority vote of the members present and voting at such meeting.

Section 8:

The duties of the Moderator or in his absence the person authorized by G.L. Chapter 39 Section 14, not specifically provided for by law, shall be determined by rules of parliamentary law contained in *Town Meeting Time, A Handbook of Parliamentary Law*, so far as they are adapted to town meeting. The moderator shall preside and regulate the proceedings, make public declaration of all votes, and may administer in open meeting the oath of office to any town officer chosen thereat. If a vote so declared is immediately questioned by seven or more voters, he shall verify it by polling the voters or by dividing the meeting unless the town has by previous order or bylaw provided another method. If a two thirds, four fifths or nine tenths vote of a town meeting is required by statute, the count shall be taken, and the vote shall be recorded in the records by the clerk; provided, however that where a two thirds vote is required by statute, notwithstanding the foregoing, a counted vote need neither be taken nor recorded unless questioned in the manner specified in the immediately preceding sentence or unless the moderator is in doubt with respect to whether a motion has passed by the required two thirds vote; but if any vote is unanimous, a count need not be taken, and the clerk shall record the vote as unanimous.

Section 9:

Whenever the moderator determines that voters are being excluded from the town meeting because there is no room for them in the places provided or that voters in attendance are being deprived of the opportunity to participate for any reason, he shall either, on his own motion recess the meeting for any period during the day of the meeting or, after consultation with the members of the Board of Selectmen then present, adjourn the same to another date, not later than fourteen days following the date of said meeting, when places and facilities sufficient to accommodate all voters attending and to enable them to participate in shall be available.

ARTICLE II: TOWN OFFICIALS

Section 1: Elected and Appointed Officials

Every year at its annual meeting the Town of Charlton shall choose by ballot from its registered voters the following town officials for the designated term of office of any incumbent whose term has expired, all terms are for three years unless otherwise specified, all officials who hold office at the time of adoption of this bylaw shall continue to serve his term of office:

Five Selectmen, one Town Clerk, one Moderator, one Tree Warden

all of these offices shall be compensated in such manner and amount as the town meeting shall determine.

Other Elected Officials are as follows:

Assessors, three members	Planning Board, five members, five year term
Board of Health, three members	Recreation Commission, three members
Cemetery Commissioners, three members	Southern Worcester County Regional Vocational School District, two members
Charlton Housing Authority, five members	Trustees of the Free Public Library, six members
Constables, two	Water and Sewer Commissioners, five members
Dudley Charlton Regional School Committee, four members	

Each Elected Official shall have all powers and duties conferred upon him by statutes and by these bylaws.

The following town officials shall be appointed by the Selectmen unless other provisions are made by law or by vote of the town. Appointed Officials include the following:

Cultural Council	Lakes and Ponds Task Force
Bylaw Advisory Committee	Local Inspector/Fence Viewer
Cable TV Advisory Committee	Memorial Day Committee
Capen Hill Nature Sanctuary	Northside Historic District Commission
Central Massachusetts Regional Planning Commission	Old Home Day Committee
	Personnel Board
Community Interest Committee	Plumbing Inspector
Conservation Commission	Police Department
Council on Aging	Police Chief
Dam Monitors	Procurement Officer
Dog Officer	Registrars of Voters
Economic Development Commission	Sealer of Weights and Measures
Emergency Management Director	Street Light Committee
Emergency Medical Services Coordinator	Surveyors of Wood and Lumber
Energy Co-Coordinator	Town Account/Financial Services Coordinator
Fire Chief	Town Counsel
Forest Warden	Veterans Agent
Gas inspector	Veteran's Grave Marker
Highway Superintendent, Highway Foreman, Highway Working Foreman, and/or Assistant Working Foreman	Wiring Inspector
Historical Commission	Zoning Board of Appeals
Insect & Pest control Superintendent	
Inspector of Buildings/Zoning Enforcement Officer	
Janitor/ Custodian	

Other appointed officials within the Town of Charlton include the following positions and appointing authority:

<u>Position</u>	<u>Appointed By</u>
Animal Inspector	Board of Health
Member of Fire Department	Fire Chief ²
Finance Committee	Moderator
Health Agent	Board of Health
Town Collector	Town Administrator ¹
Treasurer	Town Administrator ¹

Notes:

¹ Or Board of Selectmen in the absence of the Town Administrator

² Fire chief (who shall be the head of the fire department, which shall include personnel of and services previously performed by the ambulance department),

Section 2:

A Moderator shall be elected for a three year term. He shall be compensated in such manner and amount as the town meeting shall determine. The Moderator shall have all powers and duties conferred upon by him by statute and by these bylaws. He shall designate the personnel required for proper conduct of town meetings, and shall appoint the members of the finance committee. He shall utilize *Town Meeting Time, a Handbook of Parliamentary Law* for all town meetings.

Section 3:

Section 3-1. The Board of Selectmen shall appoint a Town Administrator for a term of one year or three years and fix his/her compensation within the amount appropriated by the town meeting.

Section 3-2. He/she need not be a resident of the Town or of the Commonwealth of Massachusetts, but shall become a resident of the Town within 1 year of his/her appointment if the Board of Selectmen deems it is in the best interest of the Town.

Section 3-3 (not used)

Section 3-4. He/she shall be a person especially fitted by education, training and/or previous experience in management or administration to perform the duties of the office, and shall meet such other requirements as the Board of Selectmen may specify.

Section 3-5. The Board of Selectmen may, by affirmative vote of four members of the five member Board, or if the Board were to be reduced to three members, by affirmative vote of two members, terminate and remove or suspend the Town Administrator from his/her office.

Section 3-6. Before the Town Administrator may be removed, if he/she so demands, he/she shall be given a written statement of the reasons alleged for his/her removal and shall have a right to be heard publicly thereon at a meeting of the Board of Selectmen prior to a final vote on his/her removal, but pending and during such hearing and vote the Board of Selectmen may suspend him/her from his/her office.

Section 3-7. The action of the Board of Selectmen in suspending or removing the Town Administrator from office shall be final, it being the intention of this provision to vest all authority and to fix all responsibility for such suspension or removal solely in the Board of Selectmen.

Section 3-8. The Town Administrator shall continue to receive his/her salary until the effective date of a final vote of removal unless the Board of Selectmen, in a manner consistent with M.G.L. 268A, Section 25, and/or other applicable law, makes a preliminary determination, after informing the Town Administrator of the cause for consideration of possible termination and removal or suspension and after hearing any preliminary response or information which the Town Administrator wishes to provide as to such cause, determines that it would be in the public interest to suspend the Town Administrator without pay pending such final vote, on condition that the Town Administrator shall be restored to his/her position and made whole for any loss of compensation in the event that the final vote is not to terminate and remove or suspend the Town Administrator from office.

Section 3-9. Duties

- A. It shall be the duty of the Town Administrator to see that the orders and policies of the Board of Selectmen are carried out.
- B. The Town Administrator shall act by and for the Board of Selectmen in any matter which they may assign to the Town Administrator relating to the administration of the affairs of the Town or of any town office or department under the Board of Selectmen's supervision and control, or, with the approval of the Board of Selectmen, may perform such duties as may be requested of the Town Administrator by any other town officer, board, committee or commission.
- C. The Town Administrator, to the extent consistent with the duties as mentioned immediately above in B, and with other applicable law, shall act as the agent of the Board of Selectmen in supervising and directing other boards, committees, department heads and commissions of the town. His/her responsibilities in this regard shall include, but not limited to, establishing and maintaining the efficient organization and operation of the Board of Selectmen's office and coordination of effective communication between and among such office and those of other boards, commissions, committees, officers and department heads of the town.

- D. The Town Administrator shall oversee the general operations of the Board of Selectmen's office, shall directly supervise those employees, department heads, officials, boards commissions and committees who are subject to the direct supervision of the Board of Selectmen, shall serve as the intermediate administrative authority between the Board of Selectmen and the department heads and the other boards, committees and commissions of the Town referenced in paragraph C., immediately above, with respect to all matters, including those involving Town employees, to the extent not inconsistent with applicable collective bargaining agreements and the Town's Personnel Bylaw, and shall serve as an advisor to all such department heads, boards, committees and commissions as to employment, and other, matters.
- E. The Town Administrator shall make investigations, reports and recommendations on such matters as the Board of Selectmen may require, and shall initiate, coordinate, supervise and bear primary responsibility for the preparation of an annual town report.
- F. The Town Administrator shall receive, investigate and answer complaints directed to the Board of Selectmen or refer them to the proper department or departments for attention and, to the extent appropriate as determined by the Board of Selectmen shall keep the Board apprised of such complaints and of the action which the Town Administrator has taken with respect to same.
- G. The Town Administrator shall participate in the preparation of the Town's annual budget with the assistance of department heads for those departments, boards, committees or commissions and any Town office under the Board of Selectmen's supervision and control. He/she shall recommend the Town's annual budget to the Board of Selectmen, and with its approval present such proposed budget to the Finance Committee. He/she shall also be responsible for the development and annual updating of the capital improvement program.
- H. The Town Administrator, on behalf of the Board of Selectmen, as the employer under Massachusetts General Laws, Chapter 150E, and subject to the Board's ratification, shall negotiate all collective bargaining agreements with the exclusive representatives (i.e., unions) of all organized employee bargaining units in the Town. The Town Administrator shall seek and shall receive direction from the Board of Selectmen prior to the commencement of any such negotiations, and shall provide advice to the Board with respect to any and all issues relating to the negotiations which in his or her opinion are important to protect the best interests of the Town. The Town Administrator shall also keep the Board advised in timely fashion with respect to all issues discussed in the negotiations in timely fashion, which obligation shall include, but shall not be limited to, the provision of reports to the Board after the conclusion of each bargaining session and prior to the next such session. No agreement shall bind the Town until and unless ratified by majority vote of the Board of Selectmen, and no agreement as to any cost item of same shall bind the Town until and unless a town meeting has approved a request for an appropriation necessary to fund the cost items of the contract, if any, all in accordance with Massachusetts General Laws, Chapter 150E, Section 7, and other applicable law.

- I. The Town Administrator may make recommendations to the Board of Selectmen, and subject to confirmation by the Board of Selectmen as to whom should be appointed to each of the appointive positions listed in Section 1 of this Article. Subject to confirmation by vote of the Board of Selectmen, he/she shall have the power to rescind for cause, including excessive and unexcused absenteeism, any appointment made by the Board of Selectmen upon his/her recommendation to any board, commission, committee or position under authority of this bylaw, provided that the appointee shall first have been served with a written notice of the Town administrator's intention, specifying the reasons for the proposed removal, and informing the appointee of his/her right to be heard, if requested in writing, at a public meeting of the Board of Selectmen.
- J. The Town Administrator shall recommend to the Board of Selectmen, after securing information from and the opinion of the department head, as well as that of the Personnel Board, the compensation of all Town officers and employees appointed by the Board of Selectmen within the limits established by existing appropriations and town bylaws.
- K. The Town Administrator shall attend all regular meetings of the Board of Selectmen unless excused, and shall have a voice but no vote in all of its deliberations.
- L. The Town Administrator shall keep full and complete records of the office of the Town Administrator and shall render as often as maybe required by the Board of Selectmen, a full report of all operations.
- M. The Town Administrator shall keep the Board of Selectmen fully advised as to the needs of the town and shall recommend to the Board of Selectmen for adoption such measures requiring action by them or by town meeting as he/she may deem necessary or expedient.
- N. The Town Administrator shall see that the provisions of the general laws, the bylaws, votes of the town meeting and votes of the Board of Selectmen which require enforcement by him/her or officers subject to his/her direction and supervision are faithfully carried out.
- O. The Town Administrator may at any time inquire into the conduct of any officer or employee or department, board or commission under his/her jurisdiction.
- P. The Town Administrator shall attend all special and annual town meetings unless excused from doing so by the Board of Selectmen and shall answer all questions directed to him/her by the voters of the Town which relate to his/her office or to any subject matter encompassed by, arising out of or connected with his/her duties.
- Q. The Town Administrator shall also perform any and all other duties and services required by the bylaws or assigned by the Board of Selectmen.

Section 4: Deleted ATM 5/8/93

Section 5:

Any elected or appointed office which becomes vacant due to recall vote, death or resignation may be filled as per procedure listed in MGL Chapter 41 Sections 10 and 11.

ARTICLE III: SELECTMEN

Section 1:

There shall be a Board of Selectmen, consisting of five members elected by the voters for three year terms, so arranged that the term of office of at least one member, but not more than two members, shall expire each year. As the terms of office of the incumbent members of the selectmen thereafter expire, candidates shall run for the office of selectman by the number assigned to a specific "seat". No person may be a candidate for more than one numbered "seat" at any one election. The selectmen who hold office at the time of adoption of this bylaw shall continue to serve until their terms of office expire. A selectman may not hold any other elective or compensated office under government of the Town of Charlton during the term for which he/she is elected, nor any compensated appointive town office or employment for one year thereafter.

Section 2:

The selectmen shall have all powers and duties conferred upon them by the constitution and general laws of the Commonwealth and by this Bylaw. The Board of Selectmen shall exercise a general supervision over all matters affecting the interests or welfare of the town, which are not otherwise provided for. It shall have full authority as agent of the town to institute and prosecute suits in the name of the town, to appear and defend suits brought against the town, and to appear on behalf of the town in proceedings before any committee or tribunal, unless it is otherwise specifically ordered by vote of the town or provided by law.

Section 3: Organizaztion of the Board

The Selectmen, within seven days after each annual election shall meet, elect a chairperson and otherwise organize, and fix the time and place of their regular meetings. They shall adopt their own rules of procedure.

Section 4:

Three members of the board shall constitute a quorum, but no resolution or vote except a vote to adjourn or to fix the time and place of the next meeting shall be adopted by less than two affirmative votes.

Section 5:

The Selectmen shall have the general care and custody direction and management of all the property of the town in all matters not otherwise provided for. They shall cause their annual reports, together with the reports of all other town officers or boards of officers that are required to make annual reports, to be printed and distributed at least three days before the time for the annual meeting.

Section 6: Bond Notes and Records

At least a majority of the Board of Selectmen shall sign all town notes given by the Treasurer for money borrowed for the town. They shall endorse their written approval and acceptance on the bond of the town Treasurer and on the bond of the Town Collector before said bonds are delivered to the Town Clerk, for his/her custody, preservation and safe keeping. They shall keep all books, documents, and valuable papers belonging to the town, relating to their department in a fireproof safe.

Section 7: Warrant

They shall limit their orders upon the Town Treasurer to the amount of the respective appropriations for each attachment, and shall draw no order for the payment of a bill which has not been previously audited by the Town Accountant/Financial Services Coordinator.

ARTICLE IV: ASSESSORS

Section 1:

The Assessors of taxes shall commit the annual tax list with their warrant to the Collector of Taxes and they shall commit such list to the Collector on or before the first day of September in each year, until said Collector, and also the Town Treasurer, shall each have delivered his bond required by law to the Town Clerk, for their custody and safe keeping with the Selectmen's written approval and acceptance of said bonds endorsed thereon.

Section 2:

Every certificate of abatement of a tax shall be signed by at least a majority of the assessors.

Section 3:

It shall be their duty to audit the accounts of the Collector at the close of each fiscal year, and file their certificate to that effect with the Selectmen in time to be published in their annual report. Said certificates shall state the amount of taxes collected and paid into the treasury on taxes overdue. But this inspection of the accounts of the Collector shall not be considered as taking place of such exhibits of his accounts as are now required of him by law.

ARTICLE V: TOWN COLLECTOR

Section 1: Bond and Powers

The Town Collector shall give a bond to the town in such sum as the Selectmen may require, with sureties to their satisfaction, as shown by their written approval and acceptance on said bond, signed by at least a majority of the Board of Selectmen. The Town Collector shall have all the powers vested in town collectors by the Massachusetts General Laws (see, e.g., M.G.L. c.41, sec.38). [As to appointment of the Town Collector in the Town of Charlton, see Chapter 153 of the Acts of 2003.]

Section 2:

The Collector, when she/he shall receive each year from the Assessors of Taxes, the tax list, showing the amount assessed on each person liable to taxation on his/her property, shall proceed to collect the same as follows: She/he shall immediately proceed to collect such taxes as are designated in said warrant as then due or payable. All real estate and personal property taxes shall be due and payable in accordance with M.G.L.c.59, s57C as same may be amended from time to time.

ARTICLE VI: TREASURER

Section 1: Bond and Powers

The Town Treasurer shall give bond to the town in such sum as the Selectmen may require, with sureties to their satisfaction, as shown by their written approval and acceptance on said bond signed by at least a majority of the Board of Selectmen. Said bond shall be upon condition that said Treasurer shall, will, and faithfully discharge the duties of his said office during any and every period of his incumbency therefore. The Selectmen may require from the Town Treasurer a new bond with like sureties after each appointment to said office.

Section 2: Use of Funds

The Town Treasurer shall not use any money or funds belonging to the town in the payment of any of his own or any other person's private bills or obligations, nor for any purposes, except for paying town notes, interest on town notes, state and military aid, and the state and county taxes, except on orders signed by at least a majority of the Board of Selectmen, or in matters where they are authorized by law in the premises, the orders of the School Committee, or a majority of them, or other officers having lawful authority to draw such orders. He shall give no town notes except the same are approved and counter signed by at least a majority of the Selectmen. He shall prepare and deliver to the Board of Selectmen, in time for publication in the town report of each year, a full statement in detail of all receipts and payment of money by him as Town Treasurer, showing the balance of his account on the first day of January of each year. He shall place his bond within ten days after his appointment in the hands of the Town Clerk for custody and safe keeping.

ARTICLE VII: Left Blank For Future Use

ARTICLE VIII: FINANCE COMMITTEE

Section 1:

There shall be a Finance Committee consisting of seven registered voters of the Town appointed by the Moderator at the annual town meeting. The term of office of each member shall be for three years, and the terms of office of the members shall be so arranged that as nearly an equal number of terms as is possible shall expire each year. Whenever a vacancy occurs on the committee the Moderator shall fill the vacancy for the unexpired term. No member shall hold any other elective or appointive town office or be employed by the Town. The terms of office of the members of the committee holding office on the effective date of this section shall not be affected by the provisions of this section.

Section 2:

The Finance Committee shall meet, choose its own officers, and adopt such rules and orders affecting its government as may from time to time be necessary. Minutes of all meetings shall be kept and retained for public inspection.

Section 3:

The Finance Committee shall consider matters relating to the appropriation and expenditure of money by the Town, its indebtedness, the administration of its various departments, other municipal affairs of the Town and make reports and recommendations to the Town; and shall submit a budget at each annual town meeting.

ARTICLE IX: TOWN ACCOUNTANT

It shall be the duty of the Town Accountant to examine all original bills and vouchers, in which money may be paid prior to the issuance of an order by the Selectmen, the Library Trustees, or such other officers as are authorized and empowered by law to draw such orders on the Treasurer therefore for payment of the same: and he shall keep an accurate record of such bills or vouchers audited by him. He shall have unrestricted access to all books and accounts of all officers and committees entrusted with the receipt, custody and expenditure of money as often as once a month, and may make examination thereof.

ARTICLE X: CONTRACTS

Section 1:

No board of officers of the Town of Charlton, elected or appointed, nor any committee of member therefore nor any agent or employee of such member, shall directly or indirectly be interested in any contract with the town for the employment of labor, expenditure of public money, the purchase of material or supplies, the construction, alteration, or repair of any public works or other property belonging to the town, nor the care, custody, and management therefore if said board committee or member is in any way entrusted or charged with any duty or authority in there with.

Section 2:

Prior to the making of any contract for the furnishing of labor, materials or supplies, or any or all of them, for or on behalf of the town, the Board of Selectmen, the Chief Procurement Officer or other appropriate officials shall comply with all applicable provisions of the Massachusetts General Laws.

ARTICLE XI: FISCAL YEAR

The fiscal year shall begin with the first day of July and end with the last day of June of each year.

ARTICLE XII: TOWN AUDIT

The Town shall hire or contract with an independent Certified Public Accountant or Accounting Firm to conduct an Annual Audit, with the written report due not more than 9 months after the close of the fiscal year. Such audit will be in accordance with the Massachusetts General Laws and generally accepted accounting practices. This document shall become public upon its voted acceptance by the Board of Selectmen.

ARTICLE XIII: TOWN CLERK

Section 1:

The Town Clerk shall not permit any one to take from his care and custody the Tax Collectors Bond, nor the Town Treasurer's Bond; but he shall furnish a certified copy of the bond of the Tax Collector or of the Town Treasurer, or both, with a full copy of the Selectmen's written approval and acceptance, and a copy of the oath thereon, to the Selectmen, or to the Assessors whenever, requested so to do in writing by any member of the Board of Selectmen or Assessors.

Section 2:

He shall keep the town records and all deeds and other valuable documents and papers properly in his charge in the town's fireproof safe, but always subject to the inspection and examination of the Selectmen.

ARTICLE XIV: TRUSTEES OF THE PUBLIC LIBRARY

Section 1:

The Board of Trustees of the Public Library shall have charge of the library and all matters pertaining thereto. They are authorized to obtain and pay for out of the money appropriated by the town for the purpose of the library, the services of a library staff, and make such rules and regulations for the proper management and government of the library and the use of the books and materials therein as they may deem best for the public good. They shall have the entire custody and management of the library and reading room, and all money raised or appropriated by the town for its support and maintenance, and may draw orders signed by a majority of the Board of Trustees on the Town Treasurer for such money or any part thereof.

Section 2:

The Trustees as provided in Article II of these Bylaws shall annually make a report to the town of all the receipts and expenditures and of all property in their care and custody including a statement of any unexpended balance of money, with such recommendations if any as they may deem necessary.

ARTICLE XV: COUNCIL ON AGING

Section 1: Composition

There shall be a Council on Aging consisting of seven registered voters of the Town, at least five of whom shall be sixty years of age or older, appointed by the Selectmen for the following terms: Three of the terms of three years, two for the term of two years, and two for the term of one year, and upon the expiration of said initial terms, subsequent appointments to be for a term of three years. The term of office for any member shall expire on the day of the annual town meeting in the last year of his term. The Selectmen shall fill any vacancies that may occur.

Section 2: Powers and Duties

The council shall have all the powers and duties conferred and imposed upon councils on aging by Section 8B of Chapter 40 of the General Laws and any amendments thereof now or hereafter enacted.

Section 3: Quorum

The quorum for the transaction of business shall be a majority of the council, but a number less than the majority may adjourn.

ARTICLE XVI: FIRE HYDRANT COLORS

All fire hydrants within the Town of Charlton that are fed by a municipal water line will be red in color and with the bonnet of said hydrant to be painted to adhere to the National Fire protection Association (N.F.P.A.) (291 2-1, 2-2) color code marking for water flow.

All fire hydrants within the Town of Charlton that are fed by a private water line will be yellow in color and with the bonnet of said hydrant to be painted to adhere to the National Fire Protection Association (N.F.P.A.) (291 2-1, 2-2) color code marking for water flow.

All decorative fire hydrants within the Town of Charlton will be blue in color.

The N.F.P.A. color code system:

1,500 g.p.m. or greater	light blue
1,000-1,499 g.p.m.	green
500-999 g.p.m.	orange
less than 500 g.p.m.	red

ARTICLE XVII: STREETS

Section 1:

No building shall be moved over a public way without a permit from the Board of Selectmen and other regulating authorities as appropriated by law.

Section 2:

No persons except those town department employees performing their regular duties on behalf of the town, shall place or cause to be placed in any of the public streets any dirt, rubbish, wood or timber or any other material of any kind, tending to obstruct the streets, without a written license from the Board of Selectmen.

Section 3:

No person shall pasture any animal upon any street or way in the town, without a keeper, except within the limit of such way adjoining his own premises.

ARTICLE XVIII: ASSIGNMENT AND MAINTENANCE OF STREET NUMBERS TO BUILDINGS FOR IDENTIFICATION

Section 1: Substance

The Board of Selectmen, or its designee acting under its authority and its directive; shall have the power to cause numbers of regular series to be affixed to or inscribed on all dwelling houses and other buildings erected or fronting on any street, lane, passage way or public court in the Town, and shall have the power to determine the size of such numbers, and the mode, place, succession and order of affixing them on such structures, and shall not affix to such structure, nor permit to remain thereon for more than one day, any number to the contrary.

Section 2: Enforcement

The provisions of the above bylaw shall be enforceable under the general enforcement and penalty provisions adopted Article XXXXVI of these bylaws.

ARTICLE XIX: REMOVAL OF SNOW ONTO PUBLIC WAY

No person shall plow or otherwise remove snow from private property onto a public way in such manner as to obstruct travel or snow removal operations on such way.

ARTICLE XX: DRIVEWAY BYLAW

Section 1: Definitions

The following words used in this by-law shall have the following meanings, unless a contrary intention clearly appears:

1. "Person" shall include a corporation, society, association and partnership.
2. "Superintendent" shall mean the Superintendent of the Highway Department, or authorized agent or employee.
3. "Way" shall mean a public way.

Section 2: Prohibitions:

No person shall construct or reconstruct a driveway which opens on a way unless the owner of the land on which the driveway is to be constructed or reconstructed has first obtained a written permit from the Superintendent, and no person shall construct or reconstruct such a driveway except in accordance with the terms and conditions of such permit and the regulations adopted by the Superintendent pursuant to Section 5 of this bylaw.

Section 3: Applications and Fees :

1. Each application for a driveway permit shall be made to the superintendent by the owner of the land on which the driveway is to be constructed.
2. Each application for a driveway shall include and be accompanied by the following information and supporting documentation:
 - (a) The complete name and residential address of the owner of the land.
 - (b) The complete street address of the land.
 - (c) A plot plan of the land showing, among other features, the proposed driveway on which the driveway open, and all buildings and other structures located on the land or proposed to be constructed or placed on the land.
 - (d) Such other information and documentation as may be required by the Superintendent.
3. Each application shall be accompanied by the sum of ten dollars for the permit fee which the Superintendent shall pay over on receipt to the Town Treasurer.

Section 4: Permits:

Each permit issued by the Superintendent shall include the following:

1. Such terms and conditions as the Superintendent deems reasonably necessary to prevent an undue volume of surface water and eroded materials draining and being carried from the land on which the driveway is to be constructed onto the abutting public way.
2. A description of any surface water drainage and erosion prevention facilities which the Superintendent shall require be installed.
3. A provision that the owner shall give written notice to the Superintendent prior to commencing the construction of the driveway.
4. A provision that the permit shall be found to be abandoned and invalid unless all of the construction authorized by it, including completion with macadam or paving, shall have been completed within forty- five days after its issuance, and the failure to so complete within the ten day period after receipt of notice shall also be a violation subject to the penalty specified in Section 6, subparagraph 2, below.
5. A provision that the contractor who will be doing the driveway construction before issuance of such permit shall have posted a Five Hundred Dollar (\$500.00) cash bond or performance bond issued by a surety company authorized to do business in the Commonwealth naming the Town as the obligee, insuring the completion of the construction authorized by the permit within the above forty-five day period, failing which (a) the bond shall become the property of the Town to the extent of the cost to complete, and (b) the Town may then at its election have the work completed forthwith and the owner of the land shall be liable for any cost not covered by the bond.

Section 5: Regulations

The Superintendent may adopt regulations, subject to the approval of the Selectmen, to carry out the purposes of this bylaw. Such regulations shall take effect upon their being filed in the office of the Town Clerk.

Section 6: Enforcement and Penalty

1. The Superintendent shall enforce the provisions of this bylaw.
2. Any person who continues to violate any provision of this bylaw or of any permit issued hereunder or of any regulation adopted hereunder after the expiration of ten days following receipt by him of a written notice of such violation from the Superintendent shall be liable to a penalty not exceeding fifty dollars. Each day that such violation continues after said ten day period shall constitute a separate offense.

Section 7: Repeal

The bylaw adopted under Article 5 of the warrant for the Special Town Meeting of September 5, 1969 is hereby repealed.

ARTICLE XXI: REMOVAL OF SNOW AND ICE FROM SIDEWALKS

Section 1: Definitions

The following words used in this bylaw shall have the following meanings, unless a contrary intention clearly appears:

- (a) "Owner" of land shall mean the record owner of such land, and shall include any one record owner in the case of multiple ownership.
- (b) "Sidewalk" shall mean a sidewalk, whether paved or not, within the limits of a public way.
- (c) "Superintendent" shall mean the Superintendent of the Highway Department of the Town, or his designee.

Section 2: Duty to Remove:

Except as provided in Section 3 of this bylaw, every owner of land abutting a sidewalk shall cause all snow and ice to be removed to a width of not less than four feet from the portion of the sidewalk abutting his land.

Section 3: Exception to Section 2:

The provisions of Section 2 of this by-law shall not apply in any instance in which due to weather conditions, snow or ice is evenly spread over a sidewalk and frozen thereto so that removal is impracticable, so long as such sidewalk is maintained in a reasonable safe condition by sanding or otherwise.

Section 4: Enforcement and Penalty:

The Superintendent 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 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.

ARTICLE XXII: WATER USE BYLAW

Section 1:

The owner of any building(s) upon land abutting a public or private way in which there is a common, town-owned water line or main may, subject to capacity, to the availability of a sufficient volume of potable water and to any applicable rules, regulations, standards and procedures of the Water and Sewer Commissioners, connect such building(s) to such water line or main, provided that such owner disconnects such building(s) from any and all other water sources.

Section 2:

Persons connected to town-owned water lines or mains shall pay for the water provided thereby at rates to be established by the Town's Water and Sewer Commissioners in accordance with applicable law (including, where applicable, regulations of the Massachusetts Department of Telecommunications and Energy), or until such time as Water and Sewer Commissioners are elected, by the Selectmen acting in their capacity of Water and Sewer Commissioners or otherwise.

Section 3:

If any provision of the within bylaw is held invalid by a court of competent jurisdiction or by the Attorney General the remainder of such bylaw shall take effect and remain in effect to the maximum, extent permitted by applicable law.

Section 4: Water Use Restriction Bylaw (added ATM 2003)

A. Authority

This Bylaw is adopted by the Town of Charlton under its police powers to protect public health and welfare and its powers under M.G.L. c.40, §§21 et seq., as well as under any other, applicable legal authority, including any general or special law, and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, §69B. This bylaw also implements the Town's authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

B. Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection.

C. Definitions

Person shall mean any individual, corporation, limited liability company, trust, partnership or association, or other entity.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to section 4 of this bylaw.

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

D. Declaration of a State of Water Supply Conservation

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

E. Restricted Water Uses

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section F.

(1) **Odd/Even Day Outdoor Watering:** Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.

(2) **Outdoor Watering Ban:** Outdoor watering is prohibited.

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

(4) **Filling Swimming Pools:** Filling of swimming pools is prohibited.

(5) **Automatic Sprinkler Use:** The use of automatic sprinkler systems is prohibited.

F. Public Notification of a State of Water Supply Conservation; Notification of DEP

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water, of the State of Water Supply Conservation. Any restriction imposed under section E. shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

G. Termination of a State of Water Supply Conservation; Notice

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

H. State of Water Supply Emergency; Compliance with DEP Orders

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

I. Penalties

Any person violating this bylaw shall be liable to the Town in the amount of \$50.00 for the first violation and \$100 for each subsequent violation. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws. Each day of violation shall constitute a separate offense.

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J. Severability

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof.”

(added STM 11/2004)

Section 5: Due Dates for Water Charges and Bills and Rate of Interest on Unpaid Balances

All municipal charges and bills payable under this Bylaw, with the exception of fees and charges as to which the Bylaw requires immediate payment (by way of examples only, filing, inspection and connection fees), shall be due on the thirtieth day following the date of mailing of the bill or statement reflecting same, unless otherwise specifically provided by statute or other bylaw of the Town or by duly adopted rule or regulation of the Town’s Water and Sewer Commissioners. Interest shall accrue and be payable on all amounts remaining unpaid after such due date at the maximum rate then in effect for unpaid assessments, rates and charges pursuant to Mass. General

Laws Chapter 59, Section 57, as same may be amended from time to time, said rate as of the date of the initial adoption of the within section of this Bylaw being fourteen percent per annum. [For the statutory authority for this section of the Bylaw, see Mass. General Laws Chapter 40, Section 21E.]”

ARTICLE XXIII: DOG RESTRAINT AND REGULATION BYLAW

Section 1. Licenses and tags:

The owner or keeper of a dog six (6) months old or over shall purchase a license from the town Clerk and shall attach the license to a collar or harness of said dog. If any such tag is lost, the owner or keeper of such dog shall secure a substitute tag from the Town Clerk. No license fee shall be charged for a dog certified to serve a blind person or a deaf person, provided the dog is actually in the service of a blind or deaf person.

New residents bringing dogs six (6) months old or older into the Town or Charlton shall purchase a license from the Town Clerk within sixty (60) days.

The annual fee for every dog license, except as otherwise provided for by law, shall be as follows:

Male.....	\$20.00
Female.....	\$20.00
Senior Citizen (65 and over).....	\$17.00
Neutered Male.....	\$10.00
Spayed Female.....	\$10.00
Senior Citizen (65 and over).....	\$8.00
Substitute Tag.....	\$1.00
Transfer License.....	\$1.00

When applying for a dog license the applicant must show proof, by a licensed veterinarian's certificate, that the dog has been vaccinated against rabies, as required by Massachusetts General Laws, Chapter 140, Sections 137 and 145B.

Kennel fees shall be as follows:

Four dogs or less.....	\$35.00
Ten dogs or less.....	\$75.00
Twenty-five dogs or less.....	\$100.00

No license fee or any part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the Commonwealth or other disposal of the dog.

Should any owner or keeper of a dog fail to license it before June 1st, a late fee of ten dollars (\$10.00) will be charged. Any person maintaining a kennel in the Town of Charlton who fails to license, as prescribed by this section and the laws of the Commonwealth, shall pay a late fee of twenty dollars (\$20.00).

Section 2. Definition of Terms:

As used in this order unless the context otherwise indicates.

- (1) "DOG" means: Any animal of the canine species, both male and female.
- (2) "OWNER" means: Any person or persons, firm, association, or corporation owning, keeping or harboring a dog, as herein defined.
- 3) "PUBLIC NUISANCE" means: Any dog which by excessive barking, howling, "running-at-large" or in any other manner disturbs the quiet of the public.
- (4) "RUN-AT-LARGE" means: Any dog free of restraint which is permitted to wander on private property of others or on public ways at will, without proper restraint.
- (5) "RESTRAINT" means: The dog will be on a leash or a substantial chain and under the control of a person competent to restrain it so that it shall not be a threat to public safety. The mere muzzling of a dog shall not prevent it from being a public nuisance.

Section 3. Prohibitions:

No owner or keeper shall permit any dog whether licensed or unlicensed to become a "public nuisance" or to run-at-large within the Town of Charlton any time day or night.

Section 4. Field Trials:

No person shall conduct a Field Trial involving dogs in the Town of Charlton without first procuring a permit thereof from the Dog Officer. Any such permit shall contain such limitations, as the Dog Officer shall deem reasonably necessary to prevent such dogs from being a threat to public safety.

Section 5. Penalty:

Any owner or keeper found in violation of this by-law shall be subject to a fine according to the following schedule:

First Offense.....	\$25.00
Second Offense.....	\$35.00
Third Offense.....	\$50.00
Fourth Offense.....	\$75.00
Fifth and each subsequent offense.....	\$100.00

(within a calendar year)

Section 6. Enforcement:

It shall be the duty of the Dog Officer to investigate complaints and enforce the provisions of this Bylaw and to that end he shall have the authority to seek complaints in the District Court for violations thereof. He shall also attend to all matters pertaining to stray or public nuisance dogs, and to care for dogs that are injured in the Town of Charlton if the owner or keeper is unknown. The Dog Officer shall also be responsible for maintaining and keeping accurate records on all complaints and dogs that are apprehended and impounded as prescribed by law.

Section 7. Procedure Following Impoundment:

The Dog Officer shall immediately notify the owner or keeper of any dog impounded by him under the provisions of the By-law if such owner or keeper is known by him. If such owner or keeper is not known by him, no notice shall be necessary.

Section 8. Notice to Owner and Redemption:

The owner may then reclaim the dog by reimbursing the Dog Officer expenses, fines and fees, for maintaining the impounded dog. In any event, the maintenance cost shall not exceed ten dollars (\$10.00) for each twenty-four (24) hour period or any part thereof, plus thirty dollars (\$30.00) as an initial fee. However, as required by state law, each dog six (6) months old or older must be licensed before the Dog Officer may release it to its owner.

Section 9. Disposition of Unclaimed Dogs:

Any dog which has been impounded and has not been redeemed by the owner within ten (10) days shall be disposed of as provided by Massachusetts General Laws, chapter 140, Section 151A, and any amendment thereto. Any unclaimed dog adopted from the Charlton Dog Officer shall be spayed or neutered at the owner's expense. The adoption fee for all unclaimed dogs regardless of sex, breed, or age shall be twenty dollars (\$20.00).

Section 10. Collection of Fines and Fees:

All fines and fees collected by the Dog Officer while enforcing the provisions of this By-law shall be collected in the form of personal check, money order or registered check made payable to the Town of Charlton. In any event the Dog Officer will not accept cash, unless bonded to do so.

Section 10. Collection of Fines and Fees:

All fines and fees collected by the Dog Officer while enforcing the provisions of this By-law shall be collected in the form of personal check, money order or registered check made payable to the Town of Charlton. In any event the Dog Officer will not accept cash, unless bonded to do so.

Section 11. Disposition of Collected Fines and Fees:

All fines and fees collected by the Dog Officer shall be accounted for and paid over to the Town Treasurer at such time and in such manner as may be designated by the Town Treasurer.

ARTICLE XXIV: CONSUMPTION OF ALCOHOLIC BEVERAGES OR POSSESSION OF OPEN CONTAINER FOR SAME ON TOWN OWNED OR CONTROLLED PROPERTY

No person shall consume any alcoholic beverage, nor shall they possess or have under their control any open alcoholic beverage container, on any town owned or controlled place or public way, unless a permit therefor has previously been secured from the Board of Selectmen. Any person violating this bylaw may be fined one hundred dollars (\$100.00) for each violation and may be arrested without a warrant by a Police Officer.

ARTICLE XXV: SEWER USE BYLAW

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Section 1: Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Bylaw shall be as follows:

Act shall mean the Federal Water Pollution Control Act (P.L. 92-500), also known as the Clean Water Act, as amended (33 U.S.C. 1251, et. seq.).

Applicant shall mean any person requesting approval to discharge wastewater into the Town of Charlton wastewater facilities.

Approval shall mean written approval.

Authority Shall mean The Charlton Board of Water and Sewer Commissioners

Authorized Representative of Industrial User shall mean either:

- a. principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
- b. a general partner or proprietor if the industrial user is a partnership or proprietorship respectively; or
- c. a duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the discharge of wastewater originates.

Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.

Board shall mean the Charlton Board of Water and Sewer Commissioners or their authorized representative.

Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, which begins ten (10) feet (3 meters) outside the inner face of the building wall.

Building Sewer or Service Connection shall mean the extension from the building drain to the public sewer or other place of disposal.

Business/Commercial Establishment shall mean the primary use of the property is not defined as "residential" or "industrial".

Combined Sewer shall mean a sewer conveying both wastewater and stormwater.

Commercial Establishment shall mean any room, group of rooms, building or other used or intended for use in the operation of a business enterprise including retail and non-manufacturing service establishments. Commercial establishments shall include, but not be limited to, automobile service stations, department stores, self-service laundries, restaurants, shopping centers, and theaters.

Control Manhole shall mean a manhole which is installed along a sewer and which provides access for the observation, sampling; and measuring of wastes.

Cooling Water shall mean the water discharged from any system of condensation, air conditioning, cooling; refrigeration or other sources. Such water shall contain no polluting substances which could produce BOD, SS or toxic pollutants or substances limited in these Amended Rules and Regulations.

Domestic Wastewater shall mean the wastewater principally derived and discharged from dwellings and institutions and the like and containing human excrement and liquid waste from the non-commercial preparation, cooking and handling of food.

Drain Layer shall mean a person licensed by the Town of Charlton to lay building sewers from existing public sewers to building drains.

Easement shall mean an acquired legal right for the limited use of land owned by others.

EPA shall mean the United States Environmental Protection Agency.

Excessive shall mean quantities and/or concentrations of a constituent of a wastewater which in the judgment of the Board

- a. will cause damage to any Charlton facility;
- b. will be harmful to a wastewater treatment process;
- c. cannot be removed in the treatment works to the degree required to meet effluent discharge limitations;
- d. can otherwise endanger life, limb, or public property; and/or can constitute a nuisance.

Facilities shall include structures and-conduits for the purpose of collecting, treating, or disposing of domestic industrial, or other wastewaters (including treatment and disposal works, lateral, interceptor, outfall, and outlet sewers, pumping stations, equipment and furnishings, and other connected appurtenances).

Floatable Oil is oil, fat, wax, or grease that will separate from wastewater under the force of gravity. A wastewater shall be considered free of floatable oil if it is properly treated and the wastewater does not interfere with the collection system.

Flow equalization facilities provide storage of wastewater for release to a sewer system or treatment plant at a controlled rate, thus mitigating variations in flow and composition.

Garbage shall mean the food wastes resulting from the handling, preparation, cooking, serving or distributing of food.

Hauler shall mean any person who contracts for the disposal of septage and has obtained a Septage Handler Permit from the Board of Health.

Improved Property shall mean any property upon which there is a structure from which domestic wastewater and/or industrial wastes shall be discharged.

Incompatible Pollutant shall mean a substance that is not amenable to removal in substantial amounts by the regional wastewater treatment facilities or which may cause damage to transmission or treatment facilities or impact overall treatment of wastewater. Incompatible Pollutants include, but are not limited to, toxic biocumulative Organics, toxic metals and persistent Organics.

Industrial Establishment shall mean any room, group of rooms, building or other facility used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering, assembling or preparing any product, commodity or article from which any process waste, as distinct from domestic wastewater, may be discharged.

Industrial User shall mean a manufacturing, processing, or other non-residential facility (such as hospitals, commercial laundries, and tank and barrel cleaning operations, etc.) which discharges non-sanitary industrial wastes into a public sewer.

Industrial Wastes shall mean any solid, liquid or gaseous wastes and wastewater, exclusive of sanitary sewage, resulting from an industrial or manufacturing process; or discharged from a commercial, governmental or institutional facility; or from the development, recovery or processing of natural resources and any wastes not listed as conventional pollutants under 40CFR.17.

Interference shall mean a discharge which, alone or in conjunction with discharges from other sources:

1. Inhibits or disrupts the treatment facility, its treatment processes or operations, or its sludge processes, or disposal;
2. and Causes a violation of any requirement of the treatment facility NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Waters Act, the Solid Waste Disposal Act (SWDA) (including Title 1 1, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Invert shall mean the bottom inside of the sewer pipe.

Major Contributing Industry shall mean one that:

- (1) has flow of 25,000 gallons or more per average work day;
- (2) has a flow greater than five percent of the flow carried by the municipal system receiving the waste;
- (3) has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) of P.L. 92-500; or
- (4) has a significant impact, either singly or in combination with other contributing industries, on a publicly owned treatment works or on the quality of effluent from that treatment works.

National Categorical Pretreatment Standard or Pretreatment Standard shall mean any regulation containing pollutant discharge limits promulgated by the U.S. Environmental Protection Agency in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to Industrial Users.

National Pollution Discharge Elimination System (NPDES) Permit shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Owner shall mean any person or persons vested with ownership, legal or equitable, sole or partial, of any improved property.

Pass Through shall mean a discharge which exits the treatment facility into waters of the United States in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirement of the treatment facilities NPDES permit (including an increase in the magnitude or duration of a violation).

Person shall mean any individual, firm, company, association, society, corporation, group, or municipality.

pH shall mean the logarithm of the reciprocal of the hydrogen ion concentration, expressed in moles per liter. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} . Any EPA approved method of measurement may be used for this measurement.

Phosphorus or Total Phosphorus shall mean the total of organic phosphorus and inorganic phosphorus.

Plumbing Inspection Permit shall mean a notification to the Plumbing Inspector that work that could affect the sanitary system was to commence and that he is authorized by the applicant to review the property to determine if further work would be required. This "Inspection Permit" shall in no way negate the need for a "Plumbing Permit" issued by the Plumbing Inspector, but conversely a "Plumbing Permit" issued by the Plumbing Inspector shall negate the need for a "Plumbing Inspection Permit" issued by the Sewer Department.

Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on a user.

Properly Shredded Garbage shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1 /2) inch (1.27 centimeters) in any dimension.

Pollutant shall mean any material or substance that may cause an alteration of the chemical, physical, biological or radiological integrity of a treatment facility or its receiving waters.

Publicly-Owned Treatment Works (POTW), or treatment facility shall mean treatment works operated by the Town of Charlton or their agents, including any devices and systems (whether owned by them or under their control) used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes including the Wastewater Treatment Plant or Plants and appurtenances, structures, pipes, pumping stations and other devices conveying wastewater to the treatment plant or plants, and sludge processing systems whether operated by the Town or by their agent.

Public Sewer shall mean a sewer which is controlled by public authority.

Receiving Waters shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving wastewater discharges.

Rules and Regulations shall mean the provisions of this Bylaw or any rule or regulation lawfully prescribed by the Charlton Water and Sewer Commissioners under M.G. L. Chapter 83, Section 10 or under any other enabling legislation or authority.

Sanitary Sewer shall mean a sewer which carries wastewater, and to which storm, surface, and groundwaters are not intentionally admitted.

Sewage see wastewater.

Sewer shall mean a pipe or conduit which carries wastewater.

Sewerage shall mean the complete system of piping, pumps, and appurtenances for the collection and transport of wastewater.

Shall is mandatory; "May" is permissive.

Slug shall mean any discharge of water, wastewater, or industrial waste which exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty four (24) hour constituent concentration, or flow, during normal operation.

State shall mean the Massachusetts Department of Environmental Protection, Division of Water Pollution Control or any successors.

Storm Drain or Storm Sewer shall mean a pipe which carries storm and surface waters, drainage, and unpolluted cooling water, but excludes wastewater and industrial wastes.

Superintendent shall mean the duly authorized agent acting for the Board of Water and Sewer Commissioners of the Town of Charlton.

Suspended Solids shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are not removable by laboratory filtering. Suspended solids are referred to as nonfilterable residue in the laboratory test prescribed in "Standard Methods for the Examination of Water and Wastewater."

System's Development Charge shall mean a fee assessed to property that has not had a "betterment assessment" levied and is now able to connect to the municipal system. System's Development Fees shall be paid prior to Sewer Department sign-off on the "Application for Building Permit".

Wastes shall mean substances in liquid, solid or gaseous form that can be carried in water.

Wastewater shall mean the spent water of a community and may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

Wastewater Treatment Works shall mean any arrangements of devices and structures used for treating wastewater.

Wastewater Works shall mean all structures, equipment and processes for collecting, pumping, treating, and disposing, of wastewater.

Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 2: Building Sewers and Connections

(a) Prohibitions

Building sewers shall be constructed by licensed drain layers only. No person may uncover, connect to, open, alter, repair, or disturb a public sewer, or sewage works without a connection permit from the Superintendent. Any person proposing a new discharge in excess of 1000 gallons per day, or a substantial change in the volume or character of pollutants in an existing discharge, into the sewage works must notify the Superintendent at least forty-five days before such proposed discharge or change. No person may break, cut, connect to, or remove any part of the public sewer. Building sewers shall connect to the existing connection branches unless an alternative manner is approved by the Superintendent.

(b) Connection Permits

There are three classes of connections permits:

1. residential connection permits,
2. business / commercial connection permits
3. industrial connection permits.

Applications shall be made on a special form furnished by the Charlton Sewer Department. Completed applications shall be forwarded to the Superintendent of the Charlton Sewer Department for approval. All industrial permits and permits for average daily flows in excess of 1,000 gallons per day (including residential) require approval from the Board of Water and Sewer Commissioners.

Permit and inspection fees for connection permits shall be paid to the Town when an application is filed. The Applicant shall also be issued, in the absence of a Plumbing Permit issued by the Plumbing Inspector or his designee and for the fee of ten dollars (1 S 10.00), a Plumbing Inspection Permit for the purpose of having the Plumbing Inspector, or his designee, review the interior of the property to assure that all sanitary codes are in compliance, when connection to the municipal system is accomplished. If a permit is issued, it shall be valid for no more than sixty (60) calendar days from date of issue.

A drain layer may not have more than three (3) connection permits outstanding without written permission from the Superintendent. The permit shall be available for inspection at the site of work. Drain layers may install building sewers only during normal working hours of the Sewer Department. Emergency working hours may be approved on a case by case basis by the Superintendent, or the Board.

(c) Installation Cost and Indemnification

Costs incidental to the connection of the building sewer to the public sewer and inspection by the Superintendent or his designee shall be borne by the property owner or owner of the building. In either case, the owner shall indemnify the Town from any loss or damage that may directly or indirectly be caused by the installation and connection of the building sewer.

(d) Separate Building Sewers Required

A separate and independent building sewer shall be provided for every building; unless otherwise approved by the Board. In cases where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered one building sewer, if approved by the Board. The Town will not assume any responsibility for damages caused by any such connection.

(e) Existing Building Sewers

The use of existing building sewers must cease if they are found upon examination and testing by the Board, or its designee, to be in violation of any requirement of this Bylaw or of applicable rules or regulations.

(f) Method of Construction

The size, slope, alignment, and materials of construction of a building sewer, and the methods used in excavating, placing the pipe, jointing, testing, backfilling, and paving of the trench shall conform to all applicable rules and regulations and by-laws of the Commonwealth of Massachusetts and the Town. In the absence of code provisions, or in amplification thereof, the materials of modern sanitary engineering shall apply.

(g) Connection to the Building Drain

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In buildings in which the building drain is too low to permit gravity flow to the public sewer, wastewater shall be lifted by an approved means and discharged to the building sewer.

(h) Prohibited Connections

No person shall connect roof downspouts, exterior foundation drains, sump pumps, areaway drains, or other sources of surface runoff or groundwater to a building sewer which discharges to a sanitary sewer. Any business, commercial, or industrial establishment, residence or building found to have any of the above-mentioned connections, shall immediately eliminate said connection, regardless of when the connection was made, or will be subject to fines outlined in Section 7.

(i) Method of Pipe Laving and Backfilling

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in current specifications of the A.S.T.M and WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Special appurtenances to prevent the backflow of wastewater may be required if deemed necessary by the Superintendent. Any deviation from the prescribed procedures and materials must be approved in writing by the Board or the Superintendent before installation, denoting the grounds for such deviation.

(j) Notification and Inspection of Work

The applicant for the building sewer permit shall notify the Superintendent at least forty eight (48) hours prior to the start of an approved installation, unless a "Dig-Safe" number has been issued, and a second time when the building sewer is ready for inspection and connection to the public sewer. The applicant shall connect all sanitary sewer discharges to the building sewer and that the connection to the public sewer shall be made under the supervision of the Superintendent or an appointed representative. All connections shall be made in the approved manner; no caps and/or plugs are to be removed without explicit orders, and under the direct supervision, of the Superintendent or his designee, the existing septic tanks must be pumped, crushed and filled then inspected by the Superintendent or his designee before any approval can be granted. When leaching fields are encountered the Health Agent shall be notified. No backfilling of any trench shall be made without the approval of the Superintendent. The interior of the property shall be inspected by the Plumbing Inspector or his designee, to assure compliance with all applicable plumbing code requirements.

(k) Protection of Public Property

Excavations for building sewer installations shall be adequately guarded with barricades and lights, or a police detail may be required so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town. Except in the case of an emergency, when it is necessary to close off a street, the Town's Fire Department and Police Department shall be notified in writing no later than twenty-four hours in advance. A street opening permit shall be obtained from the Town at least 72 hours before opening the street except under emergency conditions as determined by the Superintendent and approved by the Charlton Police Department.

(l) License for Drain Layers

Drain layers must obtain a license from the Board before performing any work. Licenses shall be issued for one calendar year commencing January 1, names to be listed in a policy to be set by the Board. The applicant will supervise and be responsible for all work performed under the license. Any blasting required shall be done by a person licensed to perform blasting in the Commonwealth, and only after receiving a blasting permit from the Chariton Fire Department. The applicant shall submit Certificates of Insurance to cover General Liability, including \$100,000/5300,000 for bodily

injury, and \$50,000 for property damage. A bond, cash deposit or certified check for \$1,000 and three letters of recommendation must also be submitted. No insurance policy may be canceled without thirty (30) days prior written notice by registered mail to the Superintendent and the Fire Department. Such insurance shall indemnify the Town against all claims, liabilities, or actions for damages incurred in, or in any connected with, the performance of work by a drain layer and for, or by reason of, any acts of omission of said drain layer in the performance of his work. If insurance or bond is canceled or expires the drain layers license shall become void.

(m) Licensee Not to Allow Use of Name by Another

No person duly licensed to construct building and other private sewers and make connections with public sewers may allow his name to be used by any other person for the purpose of obtaining permits or for doing work under his license. Licenses are issued to individuals only -- not companies. More than one person may be listed on an individual license at the discretion of the Board of Water and Sewer Commissioners.

Building sewer installation work may only be performed by drain layers licensed by the Board. Applicants for permits to do such work must be licensed drain layers, or the property owners.

(n) Annual Fee

The Board of Water and Sewer Commissioners may from time to time establish just and equitable annual charges for the use of public sewers and the wastewater treatment works. This annual fee shall be paid by every person with a connection to the public sewerage system. The money received may be applied to the costs for operation and maintenance of the wastewater works or any debt contracted for sewerage purposes.

Section 3: Extensions of Public Sewers

(a) Prohibitions

No person shall extend, uncover, make any connections with openings into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Board.

(b) Notification and Review

Any person proposing an extension of the public sewer shall notify the board at least forty-five (45) days prior to the proposed beginning of construction. Included with this notification shall be two sets of construction plans and specifications in sufficient detail to allow the Board to determine whether or not the proposed extension complies with the technical provisions of this Bylaw, and good sanitary engineering practice. The plans and specifications shall be stamped by a registered professional engineer. It is recommended that any person proposing, an extension of the public sewer submit a preliminary conceptual design for tentative approval by the Board. If, deemed

necessary by the Board, the definitive plans and specifications shall be reviewed by the Board's engineer, at the expense of the owner/contractor/applicant. The cost of engineering services shall be paid in full before review or final approval of plans is given. An engineering review fee will generally be as follows: Single or double residences, \$100.00; additional residences, 550.00/residence, costs not to exceed the actual cost plus administrative fees. Business/commercial or industrial to be set by the Board. An additional ten percent (10%) administrative fee shall also be assessed.

(c) Costs for Installation and Connections

All costs incident to the installation and connection of the public sewer shall be borne by the owner/contractor/applicant. The owner/contractor/applicant shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the public sewer.

(d) Building Sewers (Service Connections)

A separate and independent house service connection shall be provided between the sewer main and the property line for each separate piece of property which the public sewer abuts, unless otherwise approved by the Superintendent.

(e) Construction and Material Specifications

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes, and other applicable rules and regulations of the Town. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing and Materials (ASTM) and in Water Pollution Control Federation (WPCF) Manual of Practice 9 shall apply.

(f) Resident Inspection

During construction there must be a full-time qualified inspector, approved by the Board, unless otherwise waived by the Board, to inspect the work for conformance with this Bylaw, with the approved plans and specifications, and with good sanitary engineering practice. All costs related to the engineering inspection plus a 10% administrative fee shall be borne by the owner/contractor/applicant, an estimated amount will be set by the Board and will be payable prior to the issuance of the permit.

(g) Record Drawings

Within 30 days of the completion of construction, the owner/contractor/ applicant must submit to the Board one set of reproducible as-built record drawings. The drawings shall show the actual in-place plan and profile of the public sewer, as well as house service connections. Ties shall be provided for all manholes and house services. Depths of house service shall also be provided.

(h) Public Safety

All excavations for sewer installation shall be adequately guarded by the owner/contractor/applicant with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent of Streets and/or the Sewer Superintendent. When deemed necessary by the Police Chief, a Sewer Commissioner, or the Superintendent, uniformed police officers shall be on-site for safety purposes at the expense of the owner.

(i) Qualifications of Contractor

Whenever public sewers are to be constructed the Board may make such investigations as it deems necessary to determine the ability of the contractor to perform the work, and the contractor shall furnish to the Board all such information the Board may request, including but not limited to bonding capability, proof of insurance, references, and a list of equipment to be used. The Board reserves the right to reject the contractor if the evidence submitted fails to satisfy the Board that he is properly qualified to complete the work as proposed. As a minimum, the Contractor shall have been engaged in the mainline public sewer construction business for at least three years; shall have good references; shall have adequate equipment to complete the work; shall have personnel experienced in mainline sewer construction; and shall be bondable for the full amount of the estimated construction cost.

The contractor's qualifications shall be approved by the Board prior to beginning work.

Section 4: Use of the Public Sewers

(a) Unlawful Discharges

It is unlawful to deposit, discharge, or otherwise dispose of domestic wastewater, industrial wastes, or other wastes in the Charlton sewer system, except in accordance with this Bylaw, applicable rules or regulations and other applicable law.

(b) Board Approval of Discharges

It shall be unlawful to discharge any domestic wastewater, industrial wastes, or other wastes to a natural outlet without first obtaining any necessary Federal, State, and Local discharge permits and performing proper treatment subject to the approval of the Board.

(c) Required Connection of Public Sewer

Owners of houses, buildings, or properties abutting on a street, alley, easement, or right-of-way in which a public sewer is located, or may in the future be located, may be ordered by the Town's Board of Health (acting under Title 5, 310 CMR, SEC, 15.02) to connect to such public sewer for disposal of domestic wastewater with the approval of the Board of Water and Sewer Commissioners.

(d) Disposal of Unpolluted Waters

No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, sump pump discharge, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(e) Industrial Wastewater

Persons, including industries, who desire to discharge industrial wastewaters into town facilities shall make their requests in writing to the Board. The Board may require the applicant to furnish analyses of the proposed wastewater discharge to determine its acceptability for discharge into the Charlton sewer system. Costs for additional treatment, or for repairing damages to Municipal facilities, due to violations of the Board's rules and regulations, shall be reimbursed to that Town by the violating person or industry.

(f) Prohibited Wastes

No person shall discharge, or shall cause or allow to be discharged into any sewer under the control of the Board, any substances, water or wastes that the Town and/or the community to which the wastes are treated, has identified as likely, either singly or by interaction with other substances:

1. To harm either the sewerage system or the wastewater treatment process;
2. To pass through, or cause interference, or be otherwise incompatible with the treatment process, including sludge disposal;
3. To cause a violation of any federal or state permits issued to the wastewater treatment facilities;
4. To affect adversely receiving waters or violate water quality criteria;
5. To endanger life, limb or public property; or
6. To constitute a nuisance.

National Pretreatment Standards:

All users of the Town Sewerage System shall comply with the most stringent of current National Pretreatment Standards as set by the EPA, state or local requirements or the limits contained in 360 CMR 10.024. Upon the promulgation of National Pretreatment Standards for the particular industrial category, it will be the responsibility of the user to comply with all applicable requirements under the Act and under subtitles C and D of the Resource Conservation and Recovery Act. Users within those industrial categories shall submit to the Town all reports required by 40 CFR 403.12.

Specific Prohibitions:

The following discharges are specifically prohibited:

1. Ground, storm and surface waters, roof and surface runoff, and subsurface drainage.
2. Non-contact cooling water and non-contact industrial process waters or uncontaminated contact cooling water and uncontaminated industrial process water.
3. Fuel oils, crude oils, lubricating oils or any other oils, or greases of hydrocarbon or petroleum origin, in excess of 15 milligrams per liter.
4. Any 'liquids, solids or gases which 'by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewerage system or receiving waters. At no time shall a reading on an explosion hazard meter at the point of discharge to the sewer or at any point therein exceed 10 percent of the lower explosive limit of the substance. Substances regulated hereby include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohol, ketones, aldehydes, peroxides and methyl ethyl ketone and any other substances which the Board, DEP, or EPA has notified the user is a fire hazard or a hazard to the sewerage system or receiving waters.
5. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or are sufficient to prevent entry into the sewers for maintenance and repair.
6. Waters or wastes having a pH lower than 5.5 or higher than 9.0 or having other corrosive or injurious properties capable of causing damage or hazard to structures, equipment, sewerage systems and personnel. If National Pretreatment Standards promulgated by the EPA impose more stringent standards, affected users within the category must comply with the more stringent limitations.
7. Waters and wastes which adversely affect the ability to dispose of wastewater residuals in an environmentally sound and economic manner in accordance with applicable state and federal requirements.

8. Solids or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage system, such as, but not limited to, sand, mud, metal, glass, wood, plastic, improperly shredded garbage, rubber, latex, lime or other slurries, grease, animal guts or tissues, bones, hair, hides or fleshings, whole blood, entrails, feathers, ashes, cinders, stone or marble dust, straw, shavings, grass clippings, rags, spent grains, spent hops, tar, asphalt residues, residues from refining or processing of fuel or lubrication oil, or glass grinding or polishing wastes.
9. Liquids or vapors having a temperature higher than 82 degrees Centigrade or 180 degrees Fahrenheit unless the Board approves alternative temperature limits but in no case heat in such quantities that it may cause the temperature at the wastewater treatment facilities to exceed 40 degrees centigrade or 104 degrees Fahrenheit.
10. Waters or wastes containing fats, wax, grease or oils, not specifically prohibited elsewhere in this Bylaw in excess of 100 mg/l or containing other substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit or 0 degrees Centigrade, and 180 degrees Fahrenheit or 82 degrees Centigrade. Waters or wastes containing such substances, excluding normal household waste, shall exclude all visible floating oils, fats and greases. The use of chemical or physical means to bypass or release fats, oils, and greases into any sewer is prohibited.
11. Waters or wastes containing amounts of toxic or objectionable metals or non-metals in excess of the limits contained herein or as designated by the Board or in the Sewer Use Discharge Permits.
12. Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by federal or state regulations.
13. Wastewater treatment facility sludge.
14. Substances exerting or causing turbidity or discoloration in such quantities as to change noticeably the color of the wastewater at the sewage treatment facilities including, but not limited to dye waters and vegetable tanning solutions.
15. Slugs as defined herein.
16. Hazardous waste or wastewater resulting from treatment of hazardous or toxic wastes, as designated under state and federal law, and discharged to the sewage system by dedicated pipe, truck or rail.
17. Discharges containing pathogenic organisms in such quantities as determined by appropriate local, federal and/or state officials to be a hazard to public health.
18. Filter backwash from industrial pretreatment processes or wastewater treatment plants unless specifically authorized by the Board.

19. Any substance which will violate any NPDES and/or state permit, or the receiving water quality standards, or otherwise violates any federal or state law, regulation, administrative rule.
20. Septage originating from outside the town unless approved in writing by the Board.
21. In no case shall a substance discharged to the system cause the Board, or any receiving facility, to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, or State criteria applicable to the sludge management method being used. In no case shall a substance discharged to the sewer system cause the Board, or any receiving facility, to incur additional expense for the handling, treatment, or disposal of wastewaters of sludge because of the nature or characteristics of the discharged substance.
22. Upon the promulgation of the National Categorical Pretreatment Standards for a particular industrial subcategory, the National Standard, if more stringent than the limitations imposed under these regulations for sources in the subcategory, shall immediately supersede the limitations imposed hereunder. The user shall be responsible for all applicable reporting requirements of this Section. State requirement and limitations on discharges shall apply in any case where they are more stringent than national requirements and limitations or those set forth in these regulations.

(g) Industrial Sewer Discharge Permit

All industrial users shall obtain an Industrial Sewer Discharge Permit. All new facilities or facilities under new ownership shall obtain an Industrial Sewer Discharge Permit before connection to the public wastewater collection system or before transfer to new ownership. Industrial users required to obtain an Industrial Sewer Discharge Permit shall complete and file with the Town an application in the form prescribed by the Town.

Existing industrial users shall apply for a Sewer Discharge Permit within thirty (30) days after the effective date of these regulations, and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the Sewer System. Permits shall be issued for a specific time period, approved by the receiving municipality, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. An industrial user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the applicant's existing permit. The terms and conditions of the permit may be subject to modification by the Board during the terms of the permit as discharge standards or requirements are modified or other just cause exists. The industrial user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Industrial Sewer Discharge Permits are issued to a specific user for a specific operation. An Industrial Sewer Discharge Permit shall not

be reassigned or transferred to a new owner, a new user, different premises, or a new operation without the approval of the Board.

(h) Disposal of Prohibited Wastes

If any wastewaters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain characteristics, as outlined in this Section, the Board may:

1. Reject the wastewaters or wastes.
2. Require pretreatment of wastewaters or wastes to modify them to an acceptable condition for discharge to the public sewer system.
3. Require control over the quantities and rates of discharge of the wastewaters or wastes, and/or
4. Require payment to cover the added cost of handling and treating the wastewaters or wastes not covered by existing taxes or sewer fees.

If the Board permits the pretreatment or equalization of wastewater or waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Board and subject to the requirements of all applicable codes, Bylaws and laws and the rules and regulations of the Board. Any costs involved with such reviews shall be paid by the person requesting the permit. The applicant shall maintain and operate pretreatment and equalization facilities at his own expense.

(i) Pretreatment Requirements

All categories of users subject to Categorical Pretreatment Standards and requirements are required to submit to the Board records and reports as required and defined by 40 CFR 403.12 and State regulations and to any other reasonable requests for information from the Board. All industrial users are required to submit the information listed below. All reports submitted to the Town must be signed by a responsible corporate officer of a corporation, a general partner of a partnership, the sole proprietor of a sole proprietorship, or a duly authorized representative of an individual. Such reports are to include, but are not limited to:

1. Baseline Report (including compliance schedule) due within one hundred eighty (180) days after the effective date of an applicable Categorical Pretreatment Standard, or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under 40 CFR 403.6 (a) (4), whichever is later.

2. Report on compliance with Categorical Pretreatment Standard deadline is due within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new user following commencement of introduction of wastewater into the POTW.
3. Periodic reports on continued compliance are due during the months of June and December, unless required more frequently by the Board or in the Categorical Pretreatment Standard.
4. Notice of slug loading or any other potential problem or condition of violation. The industrial user must submit the following information within two (2) hours of becoming aware of the violation (if this information is provided orally, a written submission must be provided within five (5) days):
 - (i) A description of the discharge and cause of the violation;
 - (ii) The period of the violation, including exact dates and times, if not corrected, the anticipated time the violation is expected to continue;
 - (iii) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the violation.
5. Continuous pH measurement records, if user stores, uses or discharges any materials with a potential to alter the pH of the sewer discharge to a degree of violation. Users that have a potential discharge waste with a pH lower than 5.5 or in excess of 9.0 or having any other corrosive properties will be required to install a holding tank, at their own expense, so that representative sampling of the effluent may be taken by the Town or its agent, for analysis. A primary flow of measurement device must be installed in such a manner that it is the final collection point for waste before joining sanitary discharge points entering the Town's sewerage system.
6. Records pertaining to changes in the level or nature of business activity, production capacity, staffing or other activity which significantly alters the amount of wastewater produced, or the characteristics of the discharge.
7. Records of on-site storage (inventories) for all toxic or hazardous substances present at the facility, including the type and maximum quantity for each material located on the premises.
8. Records of generation rates and disposal shipments for all special and hazardous wastes, including residual substances produced or concentrated by any wastewater pretreatment systems or processes.
9. Training records and other documentation of qualifications for all personnel involved in the handling of hazardous wastes, special wastes and pretreatment systems or processes.

10. Purchasing records and logs for certain materials which have a bearing on the proper operation and maintenance of any wastewater pretreatment system. Such materials may include purchased acids, bases, polymers, filtration aids, media replacement cartridges, etc. The Town may also request the documentation of material throughout for any compounds or substances determined to be of particular concern because of interference, inhibition, pass-through, toxicity or safety to the public treatment works, the workers or the environment.
11. Water consumption records, such as meter readings, log books, line drawings and process schematics which describe the water using processes, the sources and final discharge points for water, including an itemization of water used in sanitary processes, cooling or product uses.
12. Water treatment additive dosage calculations and records, particularly any toxic additives such as biocides and anti-fouling agents.
13. Wastewater collection and treatment operation and maintenance records.
14. Records of any related permits, such as direct discharge permits for cooling water disposal or hazardous waste permits.
15. Laboratory analysis records of effluent discharged into the POTW and any materials hauled off site for resource recovery or disposal.
16. Records of any and all enforcement actions, notices of violation, compliance schedules or pretreatment system approval letters.
17. Documentation of design flows, capacities, rated efficiencies and settings for all pollution control devices and systems, including, but not limited to, the wastewater pretreatment system components such as pumps, tanks, mixers, clarifiers, filter presses, centrifuges, and pH meters, recorders, flow meters and primary flow measurement devices.

Any industrial user subject to the reporting requirements established in this Section shall be required to maintain for a minimum of three (3) years all records of monitoring activities and results and shall make such records of monitoring activities available for inspection and copying by the EPA and the Board. The period of retention shall be extended during the course of any unresolved litigation in which the industrial user is involved.

Information and data obtained from reports and other information supplied by any category of users shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate that the release of such information would divulge trade secrets or secret processes. Any user or industrial user able to make that demonstration is entitled to have those portions of reports and other requests for information, which would reveal trade secrets and secret processes, withheld from the public but other governmental entities may

receive such information upon written request. Wastewater constituents and characteristics will not be recognized as confidential information under any circumstances.

(j) Grease, Oil, and/or Sand Interceptors

Grease, oil, and/or sand interceptors shall be provided in all floor drains from garages, filling stations, restaurants, cleaning establishments and when, in the opinion of the Board, they are necessary for the proper handling of liquid wastes containing floatable oil in excessive amounts, or any flammable wastes, sand, or harmful ingredients; except that such interceptors shall not be required for private living quarters of dwelling units. All interceptors shall be of a type and capacity approved by the Board, and shall be located as to be readily and easily accessible for cleaning and inspection. The installation and material cost of such grease, oil, and/or sand interceptors shall be the responsibility of the property owner producing the waste discharge.

Grease interceptors shall be constructed in accordance with Title V of the State Sanitary Code, and oil interceptors shall be constructed and installed in accordance with Massachusetts Plumbing Code. Both shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. Grease traps shall have a minimum of one thousand (1,000) gallons capacity. All traps shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Deviations from the above descriptions shall require written approval from the Board.

Grease interceptors shall be cleaned at least every three months, unless otherwise approved by the Superintendent. Evidence of cleaning shall be submitted with the user's quarterly user charge payment. Failure to submit cleaning documentation may result in a fine (See Section 7).

(k) Compliance Requirements

The Board may require a user of the sewerage system to provide information needed to determine compliance with this Bylaw. These requirements may include, but not be limited to:

1. Wastewater peak discharge rate and volume over a specified time period.
2. Chemical analyses of wastewaters.
3. Information on raw materials, processes, and products affecting wastewater volume and quality.
4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
5. A plot plan of sewers of the user's property showing sewer and pretreatment facility locations.

6. Details of wastewater pretreatment facilities.
7. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.
8. When preliminary treatment or flow equalizing facilities are provided for any wastewaters or wastes, they shall be maintained continuously and satisfactory in effective operation by the owner at his expense.

(I) Control Structures for Industrial Discharges

When required by the Board, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastewater or wastes. Such structure, when required, shall be constructed in accordance with plans approved by the Board. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times to the Town personnel.

(m) Sampling and Analyses

All measurements, tests, and analyses of the characteristics of wastewaters to which reference is made in this Bylaw shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and EPA test methods listed in 40 CFR 136 or suitable procedures adopted by the EPA, and shall be determined at the control structure provided, or from suitable samples taken at said control structure. In the event that no special structure has been required by the Board, samples shall be taken at suitable locations within the establishment from which the wastewaters are being discharged. Sampling shall be carried out by accepted methods specifically designed to obtain representative samples of the total wastewater discharge and of slugs if any occur. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls from an individual discharger is appropriate or whether a separate sample or samples should be taken.) Frequency of sampling shall be established by the Board on an individual basis.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the Board and/or other duly authorized employee of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board. Such records shall be made available upon request by the Board to other agencies having jurisdiction over the discharges to the receiving waters.

Any costs involved in examination and tests shall be paid by the individual industry. The Board may check these tests as necessary.

(n) Alternative Requirements

If any wastewaters contain the substances or possess the characteristics enumerated in Section 4 of these regulations the Board may,

1. Modify the Industrial Sewer Discharge Permit;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge;
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 4; and/or
5. Require the development of a compliance schedule by each industrial user for the installation of technology required to meet applicable Pretreatment Standards and Requirements.

(o) Dilution

It shall be illegal to meet the requirements of this Bylaw by diluting wastes in lieu of proper treatment.

(p) Sewer User Fees

The annual cost to be paid to the Town shall be based on both a charge for fixed costs and a charge for fixed and variable costs related to flows and waste strength. The annual cost to be paid to the Town by users may also include a betterment fee intended for capital debt repayment.

The annual cost to industry and commercial establishments in addition to a minimum fee not less than the residential rate, may include charges imposed by the municipality by which the waste is to be treated.

Minimum annual fee will be determined based on a sewerage fee schedule established by the Board, and subject to periodic review and revision.

(q) Commercial Sewer Discharge Permit

Commercial users discharging over 10,000 gallons per day shall obtain a Commercial Sewer Discharge Permit. All new facilities or facilities under new ownership shall obtain a Commercial Sewer Discharge Permit before connection to the public wastewater collection system. Commercial users required to obtain a Commercial Sewer Discharge Permit shall complete and file with the Town an application in the form prescribed by the Town.

Existing commercial users shall apply for a Sewer Discharge Permit within thirty (30) days after the effective date of these regulations and proposed new users shall apply at least ninety (90) days prior to connecting to or contributing to the Sewer System. Permits shall be issued for a specific time period, approved by the receiving municipality, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. A commercial user shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the applicant's existing permit. The terms and conditions of the permit may be subject to modification by the Board during the terms of the permit as discharge standards or requirements are modified or other just cause exists. The commercial user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Commercial Sewer Discharge Permits are issued to a specific user for a specific facility. A Commercial Sewer Discharge Permit shall not be reassigned or transferred to a new owner, different premises, or a new facility without approval of the Board.

Section 5: Protection from Damage

(a) Vandalism

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with, any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and a fine not to exceed Three Hundred Dollars (\$300.00) for each incident.

(b) Trespass

No unauthorized person may enter or remain in or upon any land or structure of the sewerage works. Any person violating this provision shall be subject to charges of trespass.

(c) Flood Plain Construction

The Board of Water and Sewer Commissioners in reviewing all proposed municipal sewer facilities to be located in the Flood Plain Wetlands Protection Zone established under the Chariton Zoning By-Law and in areas identified by the Federal Insurance Administration as having special flood hazards by Zones A, A1, A2 and A5 on the Charlton Flood Insurance rate map, shall require:

1. New and replacement municipal sanitary sewerage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

Section 6: Powers and Authority of Inspectors

(a) Permission for Inspection

The Board, and other duly authorized representatives of the Board bearing proper credentials and identification shall be permitted to enter, at reasonable times (without prior notification), all residential/business/commercial, and industrial properties for the purposes of inspection, observation, measurement, repair, maintenance, sampling, and testing in accordance with this Bylaw or applicable rules and regulations. The Board, or their representatives may inquire into metallurgical, chemical, oil, refining, ceramic, paper, or other industrial activity bearing on the kind and source of discharge to the public sewers, natural outlets, or sewage works.

(b) Entry on Easements

The Board, and other authorized agents of the Town, bearing proper credentials and identification, shall be permitted to enter upon all private properties through which the Town holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, maintenance, and testing of any portion of the sewage works lying within said easement. All entries and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement.

(c) Failure or Refusal to Allow Entry

Any person or entity failing to arrange for, or refusing, entry or inspection under the provisions of the Bylaw or any applicable rules and regulations shall be in violation of the Bylaw and shall be subject to the fines and other penalties and enforcement action set forth in Section 7.

Section 7: Penalties

(a) Written Notice

Any person found to be violating any provision of this Bylaw shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. The Superintendent, at his discretion, can order an immediate cease and desist of discharge to the public sewers.

(b) Fines

The Board or its designees may assess any person who continues any violation beyond the time limit provided for above, whether intentionally or not, a fine not exceeding five thousand dollars (\$5,000) per day or such other fine as the Board may authorize by rule or regulation. Each day in which any such violation shall continue shall be deemed a separate violation.

Failure to clean grease interceptors on a quarterly basis may result in a fine of Three Hundred Dollars (\$300.00) per violation. Exceeding daily Pretreatment Standards shall be deemed a separate violation as each effluent characteristics listed in Section 4 of these regulations or regulations by federal or State Categorical Pretreatment Standards.

(c) Drain Layers

Any licensed drain layer who violates any Rules And Regulations specified in the Charlton Sewer Use Bylaw, or who does not perform in a satisfactory manner, as determined by the Board, shall be subject to penalties. The degree of penalties shall depend on the severity of the violation as determined by the Board, and shall range from an oral warning to revocation of license. In addition, fines shall be assessed in an amount determined by the Board, based upon the severity of the incident.

(d) Liability

Any person violating any of the provisions of this Bylaw shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

(e) Suspension of Treatment Service

The Board may suspend the wastewater treatment service, or an Industrial Sewer Discharge Permit, in order to stop an actual or threatened discharge which may endanger the health or welfare of persons, the environment, cause interference to the POTW, cause the Town/City treating the waters to violate any condition of its NPDES Permit, any federal or state law, regulation, or administrative rule or order.

Any person notified of a suspension of the wastewater treatment service or the Industrial Sewer Discharge Permit shall immediately cease discharge. Failure to comply with the suspension order, may be cause for immediate severance of the sewer connection, to prevent damage to the POTW system or endangerment to any individuals. The Board shall reinstate the Industrial Sewer Discharge Permit or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Board within fifteen (15) days of the date of occurrence.

(f) Cause to Revoke Permit

Any user who violates the following conditions of these Regulations or applicable state and federal regulations, is subject to having its permit revoked, after a hearing before the Board:

1. Failure of an industrial user to report the constituents and characteristics of its discharge;
2. Failure of the industrial user to report the significant changes in operations, or wastewater constituents and characteristics;

3. Refusal of reasonable access to the industrial user's premises for the purpose of inspection or monitoring; or
4. Violation of conditions of the Permit.
5. Flagrant violation of this Sewer Use Bylaw.

(g) Legal Action

At any time the Board may take legal action in order to halt a discharge in violation of this Bylaw or any applicable rules and regulations, the POTW's NPDES Permit, or any federal or state law, regulation, or any administrative order of the Town or other governmental authority, or to enforce any provision of this Bylaw or such rule, regulation, permit, law, or order, and any violator shall be liable to the Town for any and all damage and expenses, including attorney's fees, incurred by the Board or the Town in connection with or as a result of such action.

(h) Liens

The Board, pursuant to filing a certificate of acceptance of conditions for the issuance of a sewer discharge lien with the Worcester County Registry of Deeds, may place a lien upon the property or premises for which Sewer Users Charges, Service Charges, fees or penalties are more than sixty (60) days overdue. Notwithstanding such lien, any overdue Sewer Use Charges or Service Charges may be collected through any legal means.

(i) Fraud

Any person who knowingly makes false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to these Regulations, or Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Bylaw, shall be penalized according to the established enforcement and penalty provision of this Bylaw or any rule or regulations prescribed hereunder.

(j) Publication of Violators

The Board will publish at least once a year, a list of industrial users which, during the previous twelve (12) months, were significantly violating Pretreatment Requirements. A significant violation is a violation which remains uncorrected for forty-five (45) days after notification of noncompliance; which is part of a pattern of noncompliance over a twelve (12) month period; which involves a failure to report noncompliance; or which resulted in the Board exercising its emergency authority under Section 4 of these regulations.

Section 8: Validity

(a) Conflicting Bylaws

All Bylaws or part of Bylaws in conflict herewith are hereby repealed.

(b) Severability

The invalidity of any section, clause, sentence or provision of this Bylaw shall not effect the validity of any other part of this Bylaw which can be given effect without such invalid part or parts.

Section 9: Bylaw in Force

This Bylaw shall be in full force and effect from and after their passage, approval, recording and publication as provided by law.

Any rules and regulations consistent with this Bylaw may be adopted and/or amended by the Board in conformance with Section 10, Chapter 83 of the General Laws of the Commonwealth of Massachusetts.

Adopted at a special town meeting of the Town of Charlton, Commonwealth of Massachusetts, held December 18, 1995.

(added STM 11/2004)

“Section 10: Due Dates for Sewer Charges and Bills and Rate of Interest on Unpaid Balances.

All municipal charges and bills payable under this Bylaw, with the exception of fees and charges as to which the Bylaw requires immediate payment (by way of examples only, filing, inspection and connection fees), shall be due on the thirtieth day following the date of mailing of the bill or statement reflecting same, unless otherwise specifically provided by statute or other bylaw of the Town or by duly adopted rule or regulation of the Town’s Water and Sewer Commissioners. Interest shall accrue and be payable on all amounts remaining unpaid after such due date at the maximum rate then in effect for unpaid assessments, rates and charges pursuant to Mass. General Laws Chapter 59, Section 57, as same may be amended from time to time, said rate as of the date of the initial adoption of the within section of this Bylaw being fourteen percent per annum. [For the statutory authority for this section of the Bylaw, see Mass. General Laws Chapter 40, Section 21E.]”

ARTICLE XXVI: ELECTRICAL WIRING

Section 1:

No person or corporation shall do any electrical construction work, whether original work or alterations, without obtaining from the Inspector of Wires, a written permit to do such work.

Section 2:

The Inspector of Wires is hereby authorized to enforce the rules and regulations as contained and provided in the most recent version of the Massachusetts Electrical Code (527 CMR 12.00) of the Board of Fire Prevention Regulations, modifying the National Electrical Code, and/or any and all other applicable statutory and regulatory provisions which may be enforced pursuant to MGL Chapter 166, Sections 32 and 33, for the installation of Electric Wiring and Apparatus, and in accordance with the provisions and requirements therein contained.

Section 3:

The Inspector of Wires shall perform his duties as per MGL Chapter 166 Section 32 and as later amended.

ARTICLE XXVII: GAS INSPECTOR

The Gas Inspector shall enforce the rules and regulations adopted by the Gas Regulatory Board established under MGL Chapter 25 Section H and as later amended.

ARTICLE XXVIII: PLUMBING INSPECTOR

The Plumbing Inspector shall enforce the rules and regulations adopted by MGL and as later amended.

ARTICLE XXIX: INSPECTOR OF BUILDINGS/ ZONING ENFORCEMENT OFFICER

The Inspector of Buildings/ Zoning Enforcement Officer may enforce the rules and regulations adopted by the provisions of the Massachusetts Building Code.

ARTICLE XXX: HANDICAPPED PARKING AND FIRELANES

Section A. Handicapped Parking

Designated parking spaces for vehicles either owned and operated by disabled veterans or by handicapped persons and bearing distinctive number plates or placards authorized by Section 2 of Chapter 90 of the Massachusetts General Laws, or for vehicles transporting handicapped persons and displaying the special parking identification plate or placard authorized by said Section 2 of said Chapter 90, or for vehicles bearing the official identification of a handicapped person issued by any state or any Canadian Province shall be provided in public and private off-street parking areas.

1. Any person or body that has lawful control of a public or private way or of improved or enclosed property used as a off street parking area for a business, shopping mall,, theater, auditorium, sporting or recreational facility, cultural center, or for any other place where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate or placard authorized by said Section 2 of said Chapter 90, or for any vehicle transporting a handicapped person displaying the special identification plate or placard authorized by Section 2 of Chapter 90 or for any vehicle bearing the official identification of a handicapped person issued by any state or any Canadian Province, according to the following formula: If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five percent of such spaces but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such parking spaces but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six.; more than five hundred but not more than one thousand, one and one-half percent of such spaces but not less than ten; more than one thousand but not more than two thousand, one percent of such spaces but not less than fifteen; more than two thousand but not more than five thousand, three-fourths of one percent of such spaces but not less than twenty; and more than five thousand, one-half of one percent of such spaces but not less than thirty.
2. Parking spaces designated as reserved under the provision of sub-section A, immediately above, shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "HANDICAPPED PARKING: SPECIAL PLATE REQUIRED. UNAUTHORIZED VEHICLES MAY BE REMOVED AT OWNER'S EXPENSE"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them. It shall be a violation of Massachusetts General Laws Chapter 90, Section 2, eighth paragraph for a person to park a vehicle in the cross hatch areas.

3. The leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons or in such manner as to obstruct a curb ramp designated for use by disabled veterans or handicapped persons as a means of ingress or egress to a street or public way is hereby prohibited.
4. The penalty for violation of this bylaw shall be fifty dollars (\$50.00) for the first offense, and one hundred dollars (\$100.00) for the second and any subsequent offense. Nothing herein shall be construed as prohibiting the removal of any vehicle which is in violation of this bylaw in accordance with the provisions of Section 120D of Chapter 266 of the Massachusetts General Laws.
5. This bylaw shall be enforced by the Town of Charlton Police Department. Penalties for violations may be enforced by a non-criminal disposition pursuant to Section 21D of Chapter 40 of the Massachusetts General Laws and Article XXXIV of the Charlton General Bylaws.

Section B: Firelanes

1. No person shall leave a vehicle or object, or allow to remain standing, whether attended or unattended, or allow it to remain live parked, within the limits of a private way or any place where the public has a right of access as invitees or licensees, which way or area have been designated by the Fire Chief as a fire lane or as furnishing a means of access for fire apparatus to any building
2. The Fire Chief may require and prescribe the establishment of fire lanes whenever and wherever public safety or necessity in such Chief's opinion so requires and may prescribe the method by which it shall be done.
3. Fire lanes shall be marked by yellow lines, at least four (4) inches wide on a diagonal, from the point of origin to the curb or sidewalk. The Legend "FIRE LANE" shall be included within the printed area. Signs with the legend "NO PARKING- FIRE LANE" may be required at the Fire Chief's discretion.
4. The penalty for violation of this bylaw shall be fifty dollars (\$50.00) for the first offense, and one hundred dollars (\$100.00) for the second or any subsequent offense. Nothing herein shall be construed as prohibiting the removal of any vehicle which is in violation of this bylaw, in accordance with the provisions of Section 120D of Chapter 266 of the Massachusetts General Laws.
5. This bylaw shall be enforced by the Town of Charlton Police Department. Penalties for violations may be enforced by a non-criminal disposition pursuant to Section 21D of Chapter 40 of the Massachusetts General Laws.

ARTICLE XXXI: CEMETERY BYLAW

Section 1: Time Limit for Erection of Markers

The person in possession, care and control of a burial lot or tomb in a public cemetery in the Town of Charlton, or if there is more than one such person designated to or entered of record by the Board of Cemetery Commissioners as being the representative of the lot or tomb in accordance with Section 29 of Chapter 114 of the General Laws, shall within one year of burial of any person in the lot or tomb erect a durable monument or marker on the lot or tomb sufficient to identify the person(s) buried or entombed therein.

Section 2: Enforcement and Penalty

1. The Board of Cemetery Commissioners shall enforce the provisions of this bylaw.
2. Any person who continues to violate any provision of this bylaw, or of any regulation adopted hereunder, after the expiration of ten days following receipt by him or a written notice of such violation from the Board or its designee shall be liable to a penalty not exceeding twenty-five dollars for each such violation. Each day that such violation continues after said ten day period shall constitute a separate offense.

Section 3:

Effective date deleted ATM 5/1993.

ARTICLE XXXII: LICENSES AND PERMITS

Section 1: Definitions

The following words and phrases used in this bylaw shall have the following meaning, unless a contrary intention clearly appears:

1. Town Collector shall mean the collector of Town of Charlton.
2. "License and Permit" shall include all licenses and permits, including renewals and transfers, issued by any board, officer, department, commission or division of the Town of Charlton, except the following licenses and permits issued under the following provisions of the General Laws:
 - (a) open burning permits, Section 13 of Chapter 48;
 - (b) bicycle permits; Section 11A of Chapter 85;
 - (c) sales of articles for charitable purposes; Section 33 of Chapter 101;
 - (d) children's work permits, Section 69 of Chapter 149;
 - (e) clubs, associations dispensing food or beverages licenses, Section 21E of Chapter 140;
 - (f) dog licenses, Section 137 of Chapter 140;
 - (g) fishing, hunting, trapping licenses Section 12 of Chapter 131;
 - (h) marriage licenses, Section 28 of Chapter 207; and
 - (i) theatrical events, public exhibition permits, Section 181 of Chapter 140.

3. "Licensing authority" shall include all boards, officers, departments, commissions and divisions of the Town of Charlton that issue licenses or permits.

4. "Person" shall include a corporation and a business enterprise.

Section 2: List

The collector shall annually furnish to each licensing authority a list of all persons who have neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and who have not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

Section 3: Revocation, Suspension or Denial

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

Section 4: Payment Agreement

Each person whose name appears upon such a list shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations as 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.

Section 5: Waiver

The Board of Selectmen of the Town of Charlton may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in General Laws Chapter 268A, Section 1, in the business or activity conducted in or on said property.

ARTICLE XXXIII: SOLICITORS

Section 1:

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 therefore in compliance with the provisions of this Bylaw. The provisions of this Bylaw shall not apply to any person residing within the Town of Charlton and engaged in the pursuit of soliciting for charitable, benevolent, fraternal, religious or political activities, nor to any person exempted by any other General Law, nor shall this Bylaw be constructed to prevent persons having established customers to whom they make periodic deliveries from calling upon such prospective customers to solicit an order for future deliveries. A solicitor or canvasser is defined as any person, who, for himself, or for another person, firm or corporation, travels by foot, automobile or any other type of conveyance from place to place, from house to house, taking or attempting to take contributions for any purpose including without limiting, the selling, distributing, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of all home improvements, or for services to be performed in the future whether or not such individual has, carries or exposes for retail a sample of the subject of such sale, whether or not he is collecting advance payment on such retail sales.

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).
- (c) Applicant's height, eye and hair color.
- (d) Applicant's Social Security Number.
- (e) The length of time for which the right to so business is desired.
- (f) A brief description of the nature of the business and the goods to be sold.
- (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, which picture shall be submitted by the applicant and be 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (i) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor within ten years of the date of application, except violations of the motor vehicle law, 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.

At the time of filing the application, each applicant shall pay a fee of ten and 00/100 (\$10.00) Dollars to the Town of Charlton. Upon receipt of the application, the Chief of Police shall investigate the applicant's reputation as to morals and integrity. After an investigation of the applicant's morals and integrity, the Chief of Police shall approve or disapprove the application and notify the applicant of his decision. In the event that the application is approved, a license shall be issued. Any applicant shall have the right to appeal to the Board of Selectmen. Such license, when issued, shall contain the signature of the issuing officer and shall show the name, address and

photograph of said licensee, the state of issuance and the length of time the same shall be operative, as well as the license number. The Chief of Police shall keep a record of all licenses issued for a period of (6) six years. 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 on an outer garment. 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. Each licensee is required to possess an individual license and badge. The Police Officers of the Town of Charlton shall enforce this Bylaw. The Chief of Police and / or Board of Selectmen is hereby vested with jurisdiction over the revoking of licenses. Each license issued under the provisions of the Bylaw shall continue in force for six (6) months from the date of its issue unless sooner revoked or the authorized time period expired. An applicant requesting a renewal of a license must apply in person for such license renewal, and provide such material as required by the Chief of Police.

Section 2:

It shall be unlawful for any person to peddle or solicit before the hour of 8:00 AM of any day or after the hour of 8:00 PM of any day except by appointment.

Section 3:

It shall be unlawful for any peddler or solicitor or any person pretending to be a peddler or solicitor for the purpose of peddling or soliciting or pretending to peddle or solicit 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, to wit: "NO PEDDLERS", "NO SOLICITORS" or "NO AGENTS" or which purports to prohibit peddling or soliciting on the premises.

Section 4:

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 or agent of any peddler or solicitor when in fact he is not the partner, agent or employee of such peddler or solicitor, or that he is the employer, representative, agent or partner of any person, when in fact he is not the employee, representative, agent or partner of such person.

Section 5:

The provisions of the Bylaw 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 local charitable, religious, fraternal, service and civic organization. (Local meaning origin within the community).

Section 6:

Permits 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:

- (a) Fraud, misrepresentation or any false statements made to the Police Department in furnishing the information required in Section 1 of the Bylaw.
- (b) Any violation of the Bylaw.
- (c) Conviction of the permit holder of any felony or crime involving moral, embezzlement and crimes of this nature.

- (d) Conducting the soliciting or peddling in an unlawful manner or in such a manner and 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. Notice of the hearing for revocation of a permit shall be given in writing stating the grounds of the complaint and the time and the place of hearing. Such notice shall be mailed, postage prepaid, to the permit holder at the address given on the registration, at least five (5) days prior to the date set for the hearing. Any person aggrieved by the decision of the Chief of Police shall have the right of appeal to the Board of Selectmen of the Town of Charlton. Such appeal shall be taken by filing with the Town Clerk a written statement of the grounds for the appeal within 14 days after notice of decision by the Chief of Police has been given. 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 in the manner herein above provided for hearing of notice of revocation by the Chief of Police.

Section 7:

Every person violating any provision of this By-law is guilty of a misdemeanor and shall be punished by a fine not exceeding \$50.00. Every violator of any provision of the By-law 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.

ARTICLE XXXIV: ALARM SYSTEM BY-LAW

Section 1. Title and Purpose

- (A) This by-law shall be known as the Alarm System By-Law and shall regulate alarms which cause a message to be transmitted to the Charlton Police or Fire Departments.
- (B) The purpose of this by-law is to encourage alarm users to maintain the operational reliability of their alarm systems, to reduce or eliminate false alarm dispatch requests, to establish a system of regulations and fees with respect to alarm systems, and to provide for penalties for violations of this by-law.

Section 2. Permit Requirements

- (A) No alarm user shall operate, or cause to be operated, an alarm system or device without a valid permit issued in accordance with this by-law. A separate permit is required for each alarm site. No alarm permit shall be required for any motor vehicle equipped with an alarm system or device.

(B) Each alarm user shall register his / her alarm system or device with the Chief of Police prior to use. However, any alarm user with an alarm system or device that is in use as of the effective date of this by-law must register said alarm system with the Charlton Police Department no later than (60) days from such date.

(C) Alarm system applications shall be available at the Charlton Police Department or via the Charlton Police Department's web site.

(D) There shall be no fees implemented or charged in the registering and/or in obtaining a permit for alarm system.

Section 3. Alarm System Operation and Maintenance

(A) The alarm user shall maintain the alarm site and alarm system in a manner that will minimize or eliminate false alarm dispatches.

(B) The alarm user shall make every reasonable effort to respond or cause a representative to respond within thirty (30) minutes, when notified, to deactivate a malfunctioning alarm system or to provide access to the alarm site.

(C) The alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than twenty (20) minutes after being activated. All alarm users with alarm systems or devices that emit an audible signal must comply with this section within (60) days of the effective date of this bylaw.

(D) The alarm business performing monitoring services shall attempt to verify every alarm signal, except for a duress or hold-up alarm activation, or fire alarm before requesting a police or emergency response to an alarm signal.

(E) An alarm system does not include an alarm designed to alert only the inhabitants of a premises and which does not have a sound device, which can be heard on the exterior of the alarm site.

(F) No alarm system or device designed to transmit emergency messages directly to the police or fire department or that emit an audible signal that would require a response by either police or fire personnel shall be worked on, tested or demonstrated without obtaining permission from the Police Department Communications Section. Permission is not required to test or demonstrate an alarm system or devices that do not transmit emergency messages or signals directly to the police or fire department.

Section 4. Fines

(A) Effective sixty (60) days from the enactment of this by-law, an alarm user may be subject to warnings and fines for false alarm dispatches emitted from an alarm system within the a 365 day period, based on the following schedule.

Number of False Alarm Dispatches	Action Taken	Fine
1	Warning	None
2	Warning	None
3	3 rd Offense	\$ 50.00
4	4 th Offense	\$ 75.00
5	5 th & Subsequent	\$100.00

(B) Any alarm user operating an alarm system without a permit as prescribed under Section 2- Paragraph (A) of this by-law shall be subject to an additional fine of \$25.00 for each false alarm dispatch.

(C) An alarm dispatch request caused by a criminal offense, a fire or other emergency, or an alarm resulting solely from power outages or extreme weather conditions shall not be counted as a false alarm.

(D) All fines resulting from the enforcement of the provisions of this by-law pertaining to alarms shall be collected in the form of a personal check, money order or registered check, made payable to the Town of Charlton and forwarded to the Charlton Police Department. All funds collected shall be added to the Town’s general treasury in accordance with G.L. c.44 sec. 53.

(E) State, federal, county and municipal entities shall be exempt from the provisions of this by-law.

(F) All fines shall be paid within twenty-one (21) days of receipt of a non-criminal violation notice.

Section 5. General Provisions

(A) Except as otherwise required by law, including the Commonwealth’s Public Records Act, the information furnished and secured pursuant to this by-law shall be confidential in character and shall not be subject to public inspection.

(B) This by-law shall be enforced by the alarm administrator as defined in paragraph (C) immediately below and Section 6- Paragraph (I) below. Penalties for violations may be enforced by a non-criminal disposition pursuant to Section 21D of Chapter 40 of the Massachusetts General Laws and Article XXXIV of the Charlton General Bylaws. The alarm user may appeal the

decision of the alarm administrator to the Town Administrator or designee by filing a written request for a review within twenty (20) days after receipt of a non-criminal violation notice. The Town Administrator or designee shall conduct a hearing and render a written decision within thirty (30) days following receipt of such request for review. The decision of the Town Administrator or designee shall be final. Nothing in the three immediately preceding sentences shall affect the time limits, penalties, procedures or remedies applicable under the aforementioned non-criminal disposition statute and bylaw, the administrative appeal to the Town Administrator being intended to be a separate, additional process, provided that if the Town Administrator should decide in favor of the alarm user the town shall not proceed any further with the non-criminal disposition procedure and no fine shall be enforced hereunder.

(C) The Chief of Police or designee shall serve as the alarm administrator to: administer, control and review alarm applications, permits, and alarm dispatch requests, develop a procedure to accept verified cancellation of alarm dispatch requests, promulgate such regulations as may be necessary or required to implement this by-law and enforce the provisions hereof.

Section 6. Definitions

Definitions – For the purpose of this by-law, the following terms, phrases, words and their derivations shall have the following meaning. The word “shall” is always mandatory and not merely directory.

(A) **Alarm System** – The term “Alarm System” means: An assembly of equipment and devices or a single device such as a 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 or fire personnel are expected to respond. In addition, any device which when activated calling for a response by police or fire personnel: (a) transmits a signal to the Charlton Police or Fire Departments; (b) transmits a signal to a person who relays information to the Charlton Police or Fire Departments; or (c) produces an audible or visible signal to which police or fire personnel are expected to respond. Excluded from this definition and the scope of this by-law are devices which are designed to alert or signal only persons within the premises in which the device is installed.

(B) **Alarm User** – The term “Alarm User” means: 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 that expressly accepts responsibility for an alarm device by registration pursuant to: Section 2 (B) of this by-law shall be deemed the alarm user. Excluded from this definition are: (a) State, federal, county and municipal agencies; 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 by-law.

(C) **False Alarm** – The term “False Alarm” means: (a) the activation of an alarm system or device through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or his / her employees or agents; (b) any signal or oral communication transmitted

to the Charlton Police Department 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; (c) any signal or oral communication transmitted to the Charlton Fire Department requesting, or requiring, or resulting in a response on the part of the fire department when in fact there has been no fire, or potential hazardous or life threatening situation or circumstance at a premises. Excluded from the definition are activation of alarm systems caused solely by criminal offense, a fire, or other emergency, power outages or extreme weather conditions.

(D) **Chief of Police** – The term “Chief of Police” means the Chief of Police of the Town of Charlton or his / her designated representative.

(E) **Police or Police Department** – The term “Police” or “Police Department” means the Town of Charlton Police Department or any authorized agent thereof.

(F) **Fire Department** – The term “Fire Department” means the Town of Charlton Fire Department or any authorized agent thereof.

(G) **Town** – The term “Town” means the Town of Charlton.

(H) **Alarm Administrator** – The term “Alarm Administrator” means the Chief of Police of the Town of Charlton or his / her designated representative.

(I) **Town Administrator** – The term “Town Administrator” means the Town Administrator of Charlton or his / her designated representative.

(J) **Board of Selectmen** – The term “Board of Selectmen” means the Selectmen of the Town of Charlton.

Section 7. Enforcement of This By-Law

The Town, upon authorization by the Board of Selectmen, may institute civil proceedings to enforce the provisions of this by-law. The provision of this bylaw may be enforced with the prior approval of the Board of Selectmen under Massachusetts General Laws and Article XXXIV of the Charlton General Bylaws as provided in Section 5 – Paragraph (B) above.

Section 8. Severability

The invalidity of any part or parts of this by-law shall not affect the validity of the remaining parts.

ARTICLE XXXV: JUNK, OLD METALS AND SECOND HAND ARTICLES

Section 1: Prohibition

1. No person shall act as a keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles without a license issued by the Selectmen.
2. The purchase, sale or barter of books, prints, coins or postage stamps shall not be deemed to be a purchase, sale or barter of second hand articles within the meaning of this bylaw.
3. A person not regularly engaged in the business of selling second hand articles who makes casual sales of such articles at a flea market, yard sale, garage sale, barn sale or the like shall be deemed not to be a keeper of a shop for the sale of second hand articles within the meaning of the bylaw.

Section 2: Licenses and Fees

1. Each license shall set forth the following:
 - a. The name of the licensee.
 - b. The nature of the business to be carried on under the license.
 - c. The building or other place in the town in which such business is to be carried on.
 - d. All applicable rules, regulations and restrictions made by the Selectmen under the authority of this by-law.
2. The Selectmen shall receive for the use of the Town such amount, not less than two dollars for each license, as the Selectmen consider reasonable.

Section 3: Rules, Regulations and Restrictions

1. The Selectmen may make reasonable rules and regulations of general application to carry out the purposes of this bylaw which shall take effect upon their being filed in the office of the Town Clerk.
2. The Selectmen may also make reasonable restrictions applicable to a particular license or licenses.

Section 4: Effective Date and Applicability

This bylaw shall take effect upon its approval by the Attorney General and its publication and posting as required by General Laws Chapter 40, Section 32: provided, however, that any person acting as the keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles on the effective date of this bylaw may continue to so act unaffected by this bylaw for a period of six months following its effective date. Licenses with respect to such activities shall be required after the expiration of said six month period.

Section 5: Penalty

Whoever violates this bylaw by acting as a keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles without a license, or in any other place or manner than that described in his license or after notice to him that his license had been revoked, or violates any rule, regulation or restriction, made by the Selectmen, shall be liable to a penalty of twenty dollars. Each day that a violation continues shall constitute a separate offense.

ARTICLE XXXVI: Left Blank For Future Use

ARTICLE XXXVII: TRANSPORTATION OF TRASH

No person shall transport any trash, refuse, rubbish or debris in or upon a vehicle on a public way in the Town unless such trash, rubbish, refuse or debris is properly secured, packaged, contained or covered so as to prevent the same from escaping from the vehicle.

ARTICLE XXXVIII: REFUSE BYLAW

Section 1:

This Bylaw shall be known and by be cited as the "Refuse Bylaw of the Town of Charlton"

Section 2: Definitions

For the purposes of this Bylaw the following term, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "Ashes" is the residue from burning wood, coal, coke, or other combustible materials.
- (2) "Town" is the Town of Charlton.
- (3) "Board" is the Board of Health of the Town of Charlton.
- (4) "Garbage" is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
- (5) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.
- (6) "Refuse" is all putrescible and nonputrescible solid waste (except body waste), including garbage, rubbish, ashes, dead animals, and solid market and industrial wastes.
- (7) "Rubbish" is nonputrescible solid wastes (excluding ashes), consisting of both combustible wastes, such as paper, cardboard, tin cans, yard drippings, rags, metal, wood, glass, bedding, crockery and similar materials.
- (8) "Sanitary Landfill" is the land with any buildings thereon situated in the Town which is used and maintained by the Board for the disposal of refuse.

Section 3:

The care, custody, management and control of the Sanitary Landfill shall be in the Board.

Section 4:

Ownership of refuse material set out for collection or deposited at the Sanitary Landfill shall be vested in the Town.

Section 5:

No person shall cast, place or deposit any refuse at the Sanitary Landfill without permission of the Board or it's duly authorized agent or employee.

Section 6:

All refuse shall be deposited in areas of the Sanitary Landfill to be determined from time to time by the Board or its duly authorized agent or employee and in such manner as the Board may determine.

Refuse of each of the following types:

- (1) Cardboard (chipboard, corrugated board, other cardboards), newspapers and magazines
- (2) bottles and other glass containers made of clear or green glass,
- (3) aluminum, steel and tin cans,
- (4) high density polyethylene (HDPE) containers, and all other refuse, shall be separately set out for collection or deposited at the Sanitary Landfill and shall be collected and so deposited and then recycled.

The Board shall from time to time promulgate regulations to implement the purposes of this section; provided that no regulation shall be promulgated under this section except after a public hearing. A notice of any such hearing containing the date, time and location of the hearing and a summary of the regulation under consideration shall be published at least seven days prior to the hearing in a newspaper having a general circulation in the Town.

Section 7:

No person shall handle, take or remove refuse set for collection without a permit issued by the Board or its agent. The Board may make reasonable requirements with respect to permits issued under this section; and whenever any holder of a permit fails to maintain said requirements, or other reasonable requirements which the Board may from time to time make with respect to any such permit or to the conduct of business by any such permittee, the Board may, after hearing or opportunity therefore, modify, suspend, revoke or cancel such permit.

Section 8:

The invalidity of any section, subsection, sentence, clause, or phrase or portion of this by-law shall not invalidate the validity of the remaining portions hereof.

Section 9:

Whoever violates any section or provision of this by-law shall be liable to a penalty not exceeding one hundred (\$100.00) dollars for each offense.

ARTICLE XXXIX: RECYCLING

The Town of Charlton may require the separation of newspapers, glass and aluminum from the municipal solid waste stream.

ARTICLE XXXX: HAZARDOUS WASTE DISPOSAL AND STORAGE BYLAW

Section 1: Definitions

The following words, as used in this bylaw, unless the text otherwise requires or a different meaning is specifically required, shall have the following meanings:

- A. "Person" shall include, where applicable, natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations, municipal officers, and other municipal agencies.
- B. "Solid waste" shall mean garbage; refuse; sludge from a waste treatment plant, water supply treatment plant or air pollution control facility; or other discarded material, including solid, liquid, semi- solid, or gaseous material resulting from industrial, commercial, mining or agricultural operations, or from community activities.
- C. "Hazardous Waste" shall mean solid waste or a combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly stored, disposed of or otherwise managed.

Section 2: Prohibition

No person shall dispose of or store hazardous waste on property owned, leased or otherwise controlled by the Town of Charlton.

Section 3: Penalty

Any person who violates any provision of this bylaw shall be liable to a penalty not exceeding Two Hundred Dollars (\$200.00) for each violation. Each day that a violation continues shall constitute a separate offense.

ARTICLE XXXXI: EARTH REMOVAL BYLAW

Section 1: Definitions

The following words used in this By-law shall have the following meanings unless a contrary intention clearly appears:

- 1. "Board" shall mean the Selectmen of the Town of Charlton.
- 2. "Earth" shall mean soil, loam, sand or gravel or any combination thereof.
- 3. "Lot" shall mean a parcel of land held in identical ownership throughout including all contiguous land held in the same ownership within the Town of Charlton. Any other land held in the same ownership, but not within the Town of Charlton shall be considered a separate parcel.
- 4. "Person" shall include a corporation, society association and partnership.
- 5. "Town" shall mean the Town of Charlton.

Section 2: Prohibition and Exemptions

1. No earth shall be removed from any lot in the Town unless an earth removal permit therefore shall first have been obtained from the Board.
2. The provisions of this Section shall not apply to:
 - (a) the removal of earth in connection with the construction of or other work on a building or other structure or facilities ancillary to a building or other structure under the authority of a permit issued by any department or agency of the Town;
 - (b) the removal of earth in compliance with the requirements of a subdivision plan approved by the Planning Board;
 - (c) the removal of earth from land in public use;
 - (d) the removal of earth for any municipal purpose by or on behalf of the Town or any department or agency thereof;
 - (e) the removal of not more than a total of 500 cubic yards of earth from a lot within any period of ten consecutive years;
 - (f) the removal of earth which is customarily incidental to agriculture, horticulture or floriculture; and
 - (g) the removal of earth in connection with the construction or improvement of a private way.

Section 3:

1. Applications for earth removal permits shall be made to the Board.
2. Each application shall include and be accompanied by the following information and supporting documentation:
 - (a) The location of the lot from which it is proposed to remove earth;
 - (b) the complete name and address of the owner of the lot;
 - (c) the complete name and address of the applicant;
 - (d) adequate evidence of the applicant's ownership of the lot or authority from the owner of the lot to remove earth therefrom, as the case may be;
 - (e) the quantity of earth to be removed;
 - (f) the form of the bond proposed to be submitted in accordance with Section 6-3;
 - (g) such other relevant information as may be required by the Board.
3. Each application shall be accompanied by the sum of Five Hundred and 00/100 (\$500.00) Dollars for the permit fee which the Board shall pay over upon receipt to the Town Treasurer.

Section 4: Hearings

1. Before acting on an application, the Board shall hold a public hearing thereon.
2. Before holding a public hearing, the Board shall at the expense of the applicant give notice of the time, place and subject matter of the hearing at least seven (7) days prior thereto by publication in a newspaper of general circulation in the Town.

Section 5: Action on Applications

1. Applications for permits may be granted or denied, or granted in part and denied in part:
2. The Board shall not grant an application if it appears that the purpose earth removal may:
 - (a) endanger the public health or safety;
 - (b) be detrimental to the normal use of other land in the area by reason of noise, dust or vibrations; or
 - (c) undermine any building or other structure or any public or private way.

Section 6:

1. No permit shall be issued for a period in excess of five (5) years, and the beginning and terminating dates shall be set forth thereon.
2. Each permit shall be subject to the following conditions which shall be set forth thereon:
 - (a) No earth shall be removed from the lot in such manner or in such quantity as to alter the course or increase the volume of surface or subsurface water draining from the lot;
 - (b) No slope created by the removal of earth shall be finished at a grade in excess of two (2)(horizontal) to (1) (vertical) expressly otherwise set forth in the permit;
 - (c) Upon completion of the removal of earth from the lot, all stones and boulders protruding above the finished grade in those areas from which earth was removed a distance of four(4) inches or more shall be buried beneath the finished grade or removed from the lot;
 - (d) Upon completion of the removal of earth from the lot, all areas from which earth was removed except where ledge rock is exposed shall be brought to the proposed finished grades shown on the plan referred to in Section 3-2 (f), covered with not less than 4 inches of the original topsoil or topsoil of equivalent or greater quality than the original topsoil, and seeded with a suitable cover crop.
 - (e) Such other conditions consistent with the provisions of this Bylaw and any regulations adopted hereunder as may be imposed by the Board.
3. The applicant shall post with the Treasurer of the Town, a bond in a form approved by the Town Counsel in such amount and with such sureties as determined by the Board to be sufficient to guaranty compliance with the terms and conditions of the permit.
4. The permit-issuing Board may hire at the applicant's expense engineering consulting services to provide the Board with a plan review and recommendations as deemed necessary.

Section 7: Regulations

1. The Board may adopt regulations to carry out the provisions of this Bylaw.
2. Such regulations shall take effect upon their being published in a newspaper of general circulation in the Town and filed with the Town Clerk.

Section 8: Dual Application

No provision of this bylaw shall be deemed to amend, repeal or otherwise change any zoning bylaw of the Town nor or hereafter in effect or to derogate from the intent or purposes of any such zoning bylaw.

Section 9: Effective Date

This Bylaw shall take effect upon its approval by the Attorney General and its publication and posting as required by Massachusetts General Laws, Chapter 40, Section 32; provided, however, that any earth removal operations being actively conducted on the effective date of this bylaw may continue unaffected by this bylaw.

Section 10: Penalty

Any person who continues to violate any provision of this bylaw or any permit issued hereunder after the expiration of ten days after written notice of such violation by the Board to such person shall be liable to a penalty of \$50.00 for the first offense, \$100.00 for the second offense and \$200.00 for each subsequent offense. Each day that any such violation continues shall constitute a separate offense.

ARTICLE XXXXII: TAX INCREMENT FINANCING

The Board of Selectmen is authorized to negotiate and execute tax increment financing ("TIF") agreements and subsequent modifications thereto on behalf of the Town, pursuant to Massachusetts General Laws Chapter 23A, section 3A through 3H, Chapter 40, section 59 and Chapter 59, Section 5, their successors, and the regulations promulgated thereunder.

ARTICLE XXXXIII: Left Blank For Future Use

ARTICLE XXXXIV: NONCRIMINAL DISPOSITION ENFORCEMENT PROCEDURE

Section 1. Noncriminal Disposition Procedure.

Any person designated below as the enforcing person for a particular bylaw, rule or regulation, or portion thereof, taking cognizance of a violation of same which s/he is empowered to enforce, hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings may give to the offender a written notice to appear before the clerk of the Dudley District Court or such other Court, if any, having jurisdiction thereof at any time during office hours, not later than twenty-one days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific offense charged, and the time and place for his, her or its required appearance. Such notice shall be signed by the enforcing person, and shall be signed by the offender whenever practicable in acknowledgment that such notice has been received. The enforcing person shall, if possible, deliver to the offender a copy of said notice at the time and place of the violation. If it is not possible to deliver a copy of said notice to the offender at the time and place of the violation, said copy shall be mailed or delivered by the enforcing person, or by his commanding officer or the head of his department or by any person authorized by such commanding officer, department or head, to the offender's last known address, within fifteen days after said violation. Such notice as so mailed shall be deemed a sufficient notice, and a certificate of the person so mailing such notice that it has been mailed in accordance with this section shall be prima facie evidence thereof.

At or before the completion of each tour of duty, or at the beginning of the first subsequent tour of duty, the enforcing person shall give to his commanding officer or department head those copies of each notice of such a violation s/he has taken cognizance of during such tour which have not already been delivered or mailed by him or her as aforesaid. Said commanding officer or department head shall retain and safely preserve one copy and shall, at a time not later than the next

court day after such delivery or mailing, deliver the other copy to the clerk of the Court before which the offender has been notified to appear.

As provided in Mass. General Laws Chapter 40, Section 21D (hereinafter "the statute"), any person notified to appear before the clerk of a district court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the Charlton town clerk together with the notice such specific sum of money not exceeding three hundred dollars as the town shall fix as penalty for violation of the by-law, rule or regulation. Such payment shall if mailed be made only by postal note, money order or check.

Upon receipt of such notice, the town clerk shall forthwith notify the district court clerk of such payment and the receipt by the district court clerk of such notification shall operate as a final disposition of the case. An appearance under the statute or this paragraph shall not be deemed to be a criminal proceeding. No person so notified to appear before the clerk of a district court shall be required to report to any probation officer, and no record of the case shall be entered in any probation records.

If any person so notified to appear desires to contest the violation alleged in the notice to appear and also to avail himself of the procedure established pursuant to the statute and this section, s/he may, within twenty-one days after the date of the notice, request a hearing in writing. Such hearing shall be held before a district court judge, clerk, or assistant clerk, as the court shall direct, and if the judge, clerk, or assistant clerk shall, after hearing, find that the violation occurred and that it was committed by the person so notified to appear, the person so notified shall be permitted to dispose of the case by paying the specific sum of money fixed as a penalty as aforesaid, or such lesser amount as the judge, clerk or assistant clerk shall order, which payment shall operate as a final disposition of the case. If the judge, clerk, or assistant clerk shall, after hearing, find that violation alleged did not occur or was not committed by the person notified to appear, that finding shall be entered in the docket, which shall operate as a final disposition of the case. Proceedings held pursuant to the statute or this paragraph shall not be deemed to be criminal proceedings. No person disposing of a case by payment of such a penalty shall be required to report to any probation office as a result of such violation, nor shall any record of the case be entered in the probation records.

If any person so notified to appear before the clerk of a district court fails to pay the fine provided hereunder within the time specified or, having appeared, does not confess the offense before the clerk or pay the sum of money fixed as a penalty after a hearing and finding as provided in the preceding paragraph, the clerk in accordance with the statute shall notify the enforcing person who issued the original notice, who shall determine whether to apply for the issuance of a complaint for the violation of the appropriate by-law, rule or regulation.

As used in the statute and this section the term "district court" shall include, within the limits of their jurisdiction, the municipal court of the city of Boston and the divisions of the housing court department of the trial court.

The notice to appear provided for herein shall be printed in such form as the chief justice of the district courts shall prescribe for the district courts. Any fines imposed under the provisions of this section shall endure to the town for such use as the town may direct. This procedure shall not be

used for the enforcement of municipal traffic rules and regulations. Chapter ninety C shall be the exclusive method of enforcement of municipal traffic rules and regulations.

Section 2. Enforcing Persons and Fine Schedule.

The enforcing person and fine schedule as to each bylaw, rule or regulation hereby made enforceable hereunder are as follows, such fines to take effect on the 10th day following receipt by the violator of written notice of such violation from the enforcing person, and each day that such violation continues after said 10 day period to constitute a separate offense:

1. Storage of unregistered Motor Vehicles Zoning By-Law adopted under Article 15 of the warrant for the annual town meeting held April 21, 1984, which is presently section 5.3 *et. seq.* of the Charlton Zoning Bylaw:

Enforcing person: Zoning Enforcement Officer or Assistant ZEO or the Alternate ZEO appointed by the Selectmen where the ZEO is absent or unable to act due to a conflict of interest

Fine schedule: \$50.00 for each offense, or such other fine as may be provided by said Bylaw as same may be amended from time to time.

2. Any other violation of the Charlton Zoning Bylaw or of any rule, regulation, restriction, condition or order duly adopted or issued by any board or official thereunder:

Enforcing person: Zoning Enforcement Officer or Assistant ZEO or the Alternate ZEO appointed by the Selectmen where the ZEO is absent or unable to act due to a conflict of interest

Fine schedule: \$50.00 for each offense as presently provided by section 7.1.7.3 of the Charlton Zoning Bylaw, or such other fine as may be provided by said Bylaw as same may be amended from time to time.

3. Article XXV Sewer Use Bylaw of the Town of Charlton General Bylaws, as amended by vote under Article 7 of the warrant for the special town meeting held December 18, 1995, and as same may have been or may be amended from time to time thereafter, or any rule or regulation or order duly adopted or issued thereunder or under any applicable statutory authority with respect to public sewers:

Enforcing person: Sewer Superintendent or Commissioners or their successors or designee

Fine schedule: \$300.00 for each offense as provided in section 7 of said Bylaw, any fine or penalty in excess thereof for any separate offense to be enforced through means other than the noncriminal disposition procedure as required by the \$300.00 limit set forth in the statute, the intent of this bylaw being to make said procedure available as a means of enforcement to the maximum extent allowable by law.

3A. "Article XXII of the General Town Bylaws, the Water Use Bylaw adopted under article 24 of the warrant for the March 1, 1999 special town meeting, and as same may have been or may be amended from time to time thereafter, or any rule or regulation or order duly adopted or issued thereunder, or referenced therein, or under any applicable statutory authority with respect to public water:

Enforcing person: Sewer, or Water and Sewer, Superintendent or Commissioners or their successors or designee

Fine schedule: \$50.00 for the first offense and \$100 for each subsequent offense as provided in section 4 I of said Bylaw, or such greater fine as may be enacted or adopted from time to time, each day any violation continues to constitute a separate offense as provided in said section."

4. Article XXIV Consumption of Alcoholic Beverages or Possession of Open Container for Same on Town Owned or Controlled Property of the Town of Charlton General Bylaws:

Enforcing person: Police Officer(s)

Fine schedule: \$100.00 or such other fine as may be provided by said Bylaw as same may be amended from time to time.

5. Article XXI Removal of Snow and Ice From Sidewalks of the Town of Charlton General Bylaws:

Enforcing person: Superintendent of the Highway Department or person performing duties of the Superintendent or his or her designee.

Fine schedule: \$50.00 for each offense continuing 24 hours after violator's receipt of written notice of the first offense, as provided in section 4 of such Bylaw, or such other fine as may be provided by said Bylaw as same may be amended from time to time.

6. Article XXIII Dog Restraint and Regulation Bylaw of the Town of Charlton General Bylaws:

Enforcing person: Dog Officer(s)

Fine schedule: First offense \$25.00

Second offense \$35.00

Third offense \$50.00

Fourth offense \$75.00

Fifth and each subsequent offense within a calendar year \$100.00

as provided in section 5 of said Bylaw, or such other fine as may be provided by said Bylaw as same may be amended from time to time in accordance with applicable law.

7. Article XXXI Cemetery Bylaw of the Town of Charlton General Bylaws or any rule, regulation or order duly adopted or issued thereunder:

Enforcing person: Board of Cemetery Commissioners or its designee

Fine schedule: \$25.00 for each offense continuing 10 days after violator's receipt of written notice of the first offense, as provided in section 2 of such Bylaw, or such other fine as may be provided by said Bylaw as same may be amended from time to time.

8. Article XXXIII Solicitors of the Town of Charlton General Bylaws:

Enforcing person: Chief of Police or his or her designee

Fine schedule: \$50.00 for each offense, as provided in section 7 of such Bylaw, or such other fine as may be provided by said Bylaw as same may be amended from time to time.

9. Article XXXV Junk, Old Metals and Second Hand Articles of the Town of Charlton General Bylaw or any rule, regulation, order or restriction duly adopted or issued by the Selectmen thereunder:

Enforcing person: Board of Selectmen or its designee

Fine schedule: \$20.00 for each offense, as provided in section 5 of such Bylaw, or such other fine as may be provided by said Bylaw as same may be amended from time to time.

10. Article XXXVIII Refuse Bylaw of the Town of Charlton General Bylaws or any rule, regulation or order duly adopted or issued by the Board of Health thereunder:

Enforcing person: Board of Health or Health Agent or its, his or her designee

Fine schedule: \$100.00 for each offense, as provided in section 9 of such Bylaw, or such other fine as may be provided by said Bylaw as same may be amended from time to time.

11. Article XXXX Hazardous Waste Disposal and Storage Bylaw of the Town of Charlton General Bylaws:

Enforcing person: Hazardous Waste Coordinator or his or her designee

Fine schedule: \$200.00 for each offense, as provided in section 3 of such Bylaw, or such other fine as may be provided by said Bylaw as same may be amended from time to time.

12. Article XXXXI Earth Removal Bylaw of the Town of Charlton General Bylaws or any rule, regulation, permit provision or order duly adopted or issued by the Board of Selectmen thereunder:

Enforcing person: Board of Selectmen or their designee, including but not limited to any constable or police officer of the Town

Fine schedule: First offense \$50.00

Second offense \$100.00

Third and each subsequent offense \$200.00

as provided in section 10 of said Bylaw, or such other fine as may be provided by said Bylaw as same may be amended from time to time in accordance with applicable law.

13. All Provisions of the Town of Charlton General Bylaws Not Otherwise Specified Above and any rule, regulation, condition or order of the Board of Selectmen duly adopted or issued thereunder:

Enforcing person: Board of Selectmen or its designee

Fine schedule: \$20.00 as provided in section XXXXVI of said Bylaw, or such other fine as may be provided by said Bylaw as same may be amended from time to time in accordance with applicable law.

16. Article XXXIV Alarm System Bylaw of the Town of Charlton General Bylaws:

Enforcing person: Alarm Administrator as defined in said Bylaw.

Fine schedule:

First and second offence-warning;

\$50.00 for the third offense,

\$75.00 for the fourth offense and

\$100 for the fifth and any subsequent offense; and

\$25.00 per system alarm dispatch without permit per Section 4(B) of said Bylaw; or such other fines as may be provided by said Bylaw as same maybe amended from time to time.

Section 3.

If any portion of any provision of the within bylaw is held invalid by a court of competent jurisdiction or by the Attorney General, the remainder of such provision and of such bylaw shall take effect to the maximum extent permitted by applicable ruling.

ARTICLE XXXXV: PAYMENT OF FEES

All town officers shall pay all fees received by them by virtue of their office into the town treasury, or shall report the amount thereof from time to time to the Selectmen, who shall publish the same in the annual town report.

ARTICLE XXXXVI: PENALTIES AND ENFORCEMENT

Except as otherwise provided by law or by this bylaw, whoever violates any provision of this bylaw or refuses or neglects to obey any order of the Board of Selectmen or its designee issued hereunder and directed to and properly served upon said violator shall in cases not otherwise specifically provided for hereunder forfeit and pay for each offense a fine of \$20.00, each day such violation continues following such service to constitute a separate offense, which fine may be recovered by indictment or on complaint before a District Court prosecuted by any constable or police officer of the town or by the Board of Selectmen or its designee, or, at the election of the Board of Selectmen or its designee, through the noncriminal disposition procedure provided by Mass. General Laws, Chapter 40, Section 21D, the proceeds of any such fine(s) to enure to the town or to such uses as it may direct.

ARTICLE XXXXVII: AMENDMENTS

These Town of Charlton general Bylaws may be altered, amended or annulled at an annual or special town meeting, by a majority of the popular vote present and voting.

ARTICLE XXXXVIII: LEFT BLANK FOR FUTURE USE