

1 **GENERAL BYLAWS**

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4 **OF THE**



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10 **TOWN OF WRENTHAM**

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12 **MASSACHUSETTS**

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16 **CYNTHIA L. THOMPSON, CMC**
17 **TOWN CLERK**

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28 **REVISED JUNE 2019**
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Town of Wrentham
General Bylaws
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Town of Wrentham
General Bylaws
[codified and reorganized ATM 6-10-13, art. 27]

TITLE I: GENERAL PROVISIONS

ARTICLE 1.10. Definitions and Rules of Interpretation

- A. *"Ad-Hoc Committee"*: Any multiple-member public body of the Town of Wrentham that is formed for a specific task or objective and dissolved after the completion of the task or achievement of the objective. [added ATM 6-9-14, art. 20]
- B. *"Committee"*: Any multiple-member public body of the Town of Wrentham that is established to serve a public purpose, whether called a board, commission, committee, or other title, and whose members are appointed by an elected official or officials or are designated as *ex-officio* by statute or by a Wrentham bylaw. [added ATM 6-9-14, art. 20]
- C. *"Charter"*: The Wrentham Home Rule Charter established by Chapter 116 of the Acts of 2014. [added ATM 6-8-15, art. 33]
- D. *"Elected Board"*: Any multiple-member public body of the Town of Wrentham that is established to serve a public purpose, whether called a board, commission, committee, or other title, and whose members are elected pursuant to M.G.L. c. 41, s. 1. [added ATM 6-9-14, art. 20]
- E. *"Ex-Officio"*: A member of a multiple-member public body who becomes a member by virtue of another position that he/she holds rather than through the regular election or appointment process. [added ATM 6-9-14, art. 20]

ARTICLE 1.20. General Provisions

ART. 1.20. SECTION 1. Repeal or Amendment

- A. These bylaws may be repealed or amended at any annual town meeting or at any other town meeting specially called for the purpose, an article or articles for such purpose having been inserted in the warrant for such meeting.
- B. Any article placed on the warrant of the annual town meeting or any other town meeting, and any motion that is received by the Moderator, which would have a permanent effect on the operation of the Town by creating a *committee* or department, or by defining the structure or responsibilities of any *committee*, department or other agency of the Town, including acceptance of a local option statute, shall be presented as an amendment to the General Bylaws. [added STM 11-12-13, art. 13]

ARTICLE 1.30. Violation

Every violation of any of the provisions of the foregoing bylaws, contained in ARTICLE 3.10, SECTION 1, and TITLE V, unless otherwise provided by law or these bylaws, shall be punished by a fine, not more than twenty dollars for each violation or breach thereof.

349 **ARTICLE 1.40. Severability**

350 These bylaws and their articles, sections, sentences or clauses are hereby declared to be severable. If
351 any article, section, sentence, or clause is adjudged invalid, it is hereby provided that the remainder of
352 these bylaws shall not be affected thereby, and these bylaws shall remain in full force and effect, as
353 amended from time to time, except for those provisions which are determined to be invalid. [added ATM
354 6-9-14, art. 17]

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357 **TITLE II. GOVERNANCE**

358
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360 **ARTICLE 2.10. Elections**

361 The regular election of all town officers and such other matters required by law to be determined by
362 ballot shall be held annually on the first Monday of April and shall be called pursuant to a separate annual
363 town meeting warrant.

364
365
366 **ARTICLE 2.15. Board of Registrars**

367 [added ATM 6-9-14, art. 18]

368
369 **ART. 2.15. SECTION 1. General**

370 **A.** There shall be a Board of Registrars as authorized by M.G.L, c. 51, s. 15.

371
372 **B.** The Board shall be comprised of the Town Clerk and three other persons who shall be appointed
373 by the Board of Selectmen. All appointments shall be made during February or March and shall
374 begin with April first following.

375
376 **ART. 2.15. SECTION 2. Role and Responsibility**

377 The Board shall hold sessions to register voters as provided by M.G.L. c. 51, s. 26, and take such other
378 actions to register voters as required by statute.

379
380 **ARTICLE 2.20. Town Meeting**

381
382
383 **ART. 2.20. SECTION 1. Date and Time**

384 For the transaction of other business pertaining to the prudential affairs of the Town, the annual meeting
385 shall be held on the first Monday in June. Any adjournments shall be regarded as parts of the same
386 meeting called for in the Warrant for the annual meeting [amended ATM 6-13-16, art. 23].

387
388 There shall be one regularly scheduled Special Town Meeting each year, to be held between the months
389 of October and December inclusive on a date to be scheduled and noticed as provided in the General
390 Laws. [amended ATM 06-05-17, art 17].

391
392 All matters in the warrant for any Town Meeting, except the election of such officers and the
393 determination of such matters as are required by law to be elected or determined by ballot may be
394 considered only at or after 7:30 P.M., or at an adjourned meeting.

395
396 **ART. 2.20. SECTION 2. Notice**

397 Attested copies of every town meeting warrant shall be posted in not less than two public places in the
398 town in accordance with Charter Section 2.7 (c) and Charter Section 2.7 (d) at least fourteen (14) days
399 prior to the day appointed for the meeting. [amended ATM 6-8-15, art. 33]

400
401 Notice for every adjourned Town Meeting shall be posted by the Town Clerk by placing a notice on the
402 Town bulletin board as soon as practicable after adjournment, stating briefly the business to come before
403 such adjourned meeting.

406 **ART. 2.20. SECTION 3. Warrant**

407 Whenever a town meeting warrant is opened in accordance with Charter Section 2.7 the Board of
408 Selectmen shall strive to conduct the process in an open, public, and simple manner that facilitates
409 participation by Wrentham's citizens and encourages their interest in Town government. [amended ATM
410 6-8-15, art. 33]

411
412 Whenever any *committee* has been chosen to report upon the subject matter referred to it at a future
413 Town Meeting, the Selectmen shall, upon the request of the chairman of such *committee*, insert in the
414 warrant for such meeting any article necessary to bring the subject matter of the report of such
415 *committee* before the meeting.

416
417 **ART. 2.20. SECTION 4. Operation of the Meeting**

418 **A.** The Moderator, after taking the chair, shall call the meeting to order and shall exert his/her best
419 endeavors to preserve decorum in the transaction of the town's business. The Moderator shall
420 receive and submit to the meeting all motions properly made before any debate thereon. The
421 Moderator may speak to all points of order in the preference to any other person, and shall
422 decide all questions of order, subject, however, to an appeal to the meeting from his/her decision
423 when regularly made.

424
425 **B.** No appeal from the decision of the Moderator shall be voted by the meeting unless it is seconded
426 by at least seven persons, and no other business shall be in order until the question on the
427 appeal has been disposed of.

428
429 **C.** The Moderator shall make declaration of all votes passed, and when a question is put, the sense
430 of the meeting shall be taken by the voices, or showing of hands, of those voting. The Moderator
431 shall announce the vote as it appears to him/her. If he/she is unable to decide by the sound of
432 the voices or showing of hands, or if his/her announcement made thereupon is doubted by any
433 voter, rising in his/her place for that purpose, the Moderator shall order a standing vote without
434 further debate upon the question, and no motion whatever shall be entertained by the Chair
435 while verifying a vote.

436
437 **D.** All motions to appropriate funds for any Capital Project with a total cost projected by the Finance
438 Committee at the time of the vote to be in excess of \$2 million, or any vote to authorize the King
439 Philip Regional School District to borrow more than \$2 million, shall be voted on by secret ballot.
440 This rule may be suspended only by unanimous consent. [amended STM 11/13/06]

441
442 **E.** No person shall speak in a town meeting without consent of the Moderator, nor while another is
443 speaking, and all persons shall, at the Moderator's request, be silent.

444
445 **F.** When two or more persons shall rise to address the Chair at the same time, the Moderator shall
446 name the person who shall first be heard upon the question.

447
448 **G.** No person shall be interrupted by another, but by rising to call him/her to order and the person
449 rising for such purpose shall state his/her point of order. Any person rising to speak or vote shall
450 address the Moderator, and resume his/her seat as soon as he/she has finished speaking.

451
452 **H.** No person shall speak more than twice on one question to the prevention of any other person
453 who has not spoken and is desirous to speak, except the article proponent or a person
454 designated as an authority on the subject matter who is there to answer questions.
455 Presentations by any speaker may be limited to a specified time period if recommended by the
456 Moderator or by any registered voter via a motion. Any recommendation to limit a presentation
457 must also be approved by a majority vote of the meeting. A presentation time period may
458 subsequently be extended by a motion which is adopted by a majority vote of the meeting.

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- I. Only the Moderator, the Selectmen, Town Administrator, Town Clerk and their secretaries shall be permitted to be seated on the platform without invitation from the Moderator.
 - J. The Moderator shall appoint tellers whose duty it shall be to return the number of votes, when requested, in their respective sections. All persons shall be seated during the hours of business except in times of voting or speaking.
 - K. A motion need not be seconded, except as provided in Paragraph B. of this section, and may be withdrawn by the mover if no objection is made.
 - L. Every main motion shall be in writing and all subsequent motions shall be in writing if the Moderator so directs. All main motions shall be submitted in writing to the Town Clerk's office either on paper or electronically by 12:00 PM on the day of the Town Meeting. For this purpose, motions that are financial need not have dollar amounts unless so stated in the warrant. [amended STM 11/13/06]
 - M. When a motion has been regularly made and has been stated by the Moderator, it shall be deemed to be in the possession of the meeting, to be disposed of by the meeting, unless it be withdrawn by the mover before a decision or any amendment, as provided in Paragraph L. of this section.
 - N. A motion to adjourn sine die, to take a recess, to adjourn to a time certain, shall, in the order in which they are named, always be first in order, and may be subject to debate.
 - O. When a question is under debate, until it is disposed of no motion shall be received but to adjourn the meeting, for the previous question (move the question), to lay on the table, to commit, or recommit, to amend, to refer, or to postpone to a day certain, or to postpone indefinitely which several motions shall have precedence in the order in which they are herein arranged. A motion for the previous question (move the question) will only be in order when it is the sole purpose of the speaker. [amended STM 11/13/06]
 - P. No motion whose effect would be to dissolve a Town Meeting (sine die) shall be in order until every article in the warrant therefore has been duly considered and acted upon, but nothing herein shall preclude an adjournment of a meeting to a stated time.
 - Q. On the motion to lay on the table, to take from the table, to commit or recommit, not exceeding ten minutes shall be allowed for debate, and no one shall speak more than three minutes.
 - R. A motion for reconsideration will only be in order if information is brought to the Moderator's attention that there is a defect either in procedure or language with an earlier motion that passed. Allowing reconsideration will only be at the Moderator's discretion. A motion that failed shall not be reconsidered.
 - S. A motion to amend an amendment may be received but no amendment in the third degree shall be allowed.
 - T. A main motion to indefinitely postpone an article shall not exclude debate on said article.
 - U. A question containing two or more propositions capable of division shall be divided whenever desired by any voter, at the discretion of the Moderator.

- 511 V. The duties of the Moderator not prescribed by the Statutes or by these Bylaws shall be
- 512 determined by the general rules of "Town Meeting Time, A Handbook of Parliamentary Law,"
- 513 latest edition.
- 514
- 515 W. Warrant Articles of a financial nature shall be first moved by a member of the Finance
- 516 Committee. If no member of the Finance Committee offers a motion on such article, then any
- 517 Wrentham registered voter may do so. [amended STM 11/13/06]
- 518
- 519 X. Warrant articles that, in whole or in part, propose an amendment to these Bylaws shall be first
- 520 moved by a member of the General Bylaw Review Committee. If no member of the General
- 521 Bylaw Review Committee offers a motion on such an article, then any Wrentham registered voter
- 522 may do so.
- 523

524 **ART. 2.20. SECTION 5. Location of the Meeting**

525 When necessary, the Board of Selectmen may choose to hold business, Annual or Special Town Meetings

526 outside the geographical limits of the Town of Wrentham. [added STM 3/28/05]

527

528

529 **ARTICLE 2.30. Moderator [reserved]**

530

531

532 **ARTICLE 2.40. Committees**

533

534 **ART. 2.40. SECTION 1. General**

- 535 A. Town *committees* may be established, and may be given responsibilities and authorities, as set
- 536 forth in these Bylaws, and consistent with the laws of the Commonwealth of Massachusetts.
- 537
- 538 B. The Standing Committees shall be: [amended ATM 6/9/14, art. 20]
- 539 i. Finance Committee
- 540 ii. Capital Budget Planning Committee
- 541 iii. Cable Advisory Committee
- 542 iv. Technical Review Committee
- 543 v. Town Common Landscape/Memorial Committee
- 544 vi. Open Space Committee
- 545 vii. Permanent Building Committee
- 546 viii. Host Community Committee
- 547 ix. General Bylaw Review Committee
- 548 x. Board of Registrars
- 549 xi. Personnel Board
- 550 xii. Energy Resources Commission
- 551 xiii. Solid Waste Recycling Committee
- 552 xiv. Committee for an Attractive Wrentham
- 553 xv. Dam Committee
- 554 xvi. Board of Appeals
- 555 xvii. Conservation Commission
- 556 xviii. Economic Development Commission
- 557 xix. Council on Aging
- 558 xx. Recreation Committee
- 559 xxi. Commission on Disability
- 560 xxii. Cultural Council
- 561 xxiii. Historical Commission
- 562 xxiv. Elderly and Disabled Tax Aid Committee
- 563 xxv. Scholarship Committee and Educational Fund Committee

- 564 C. All standing *committees* and *ad-hoc committees* of the Town, except those *ad-hoc committees*
 565 that are established by the Board of Selectmen, shall be established through an article in a Town
 566 Meeting warrant in accordance with ARTICLE 1.20. SECTION B. Such article shall specifically
 567 state the *committee's* charge, membership and terms of office, appointing authority, and
 568 funding; also, its relationship to any current bylaws, *committees*, or General Laws of the
 569 Commonwealth. [STM 6-24-85, art. 1; amended STM 11-12-13, art. 13; amended ATM 6-9-14,
 570 art. 20]
 571
- 572 D. *Ad-hoc committees* that are authorized by Town Meeting may be authorized for a period not to
 573 exceed one (1) complete fiscal year, and may be reauthorized by Town Meeting for periods not
 574 to exceed one complete fiscal year. [added ATM 6-9-14, art. 20]
 575
- 576 E. Except as otherwise provided by law, all standing *committees* duly established by vote of an
 577 annual Town Meeting shall continue in existence until abolished by a legal vote of some
 578 subsequent Annual Town Meeting.
 579

580 **ART. 2.40. SECTION 2. Membership, Appointment and Organization**

581 *Committees* may have members who are appointed in accordance with these Bylaws; and may have *ex-*
 582 *officio* members, who shall serve without voting authority unless these bylaws provide for such voting
 583 authority. [amended ATM 6-9-14, art. 20]
 584

585 **A. MEMBERSHIP**

586 No person whose principal residence is not within the Town of Wrentham and who is not a
 587 registered voter of the Town of Wrentham may be appointed by the Board of Selectmen or the
 588 Moderator to serve on any town *committee*. Any member of a *committee*, or of an *elected board*
 589 who removes from the town shall be deemed to have vacated his/her office. The provisions of
 590 this section shall not apply to any *ex-officio* positions or those specifically provided for by town
 591 bylaw. Any person appointed to any *committee* must be duly sworn in by the Wrentham Town
 592 Clerk or any other state authorized authority within sixty (60) days of the date of the
 593 appointment or the appointing authority may consider that the person has declined the
 594 appointment and may appoint someone else. [amended ATM 6-8-15, art. 35]
 595

596 **B. APPOINTMENT and RESIGNATION**

597 [amended ATM 6-9-14, art. 20]

- 598 1. It shall be the duty of the Town Clerk to notify in writing all members of *elected boards* and
 599 *committees*, upon their appointment, stating the name of the *elected board* or *committee*
 600 and business for which it was appointed.
 601
- 602 2. Except as otherwise prescribed by statute or by a bylaw, all personnel serving on all standing
 603 *committees* shall be appointed for three (3) year terms on a staggered basis and arranged so
 604 that approximately one third of the members will expire each year. All personnel serving on
 605 all *ad-hoc committees* shall be appointed for one (1) year terms, however, whenever an ad-
 606 hoc committee is created at a special town meeting the term of the initial appointments shall
 607 conclude on June 30 of the following fiscal year. Nothing in this bylaw shall be construed as
 608 preventing the reappointment by the proper appointing authority of any individual to any
 609 Standing Committee or to any other committee the life of which has been extended for
 610 another year by the vote of the Annual Town Meeting.
 611
- 612 3. All appointed terms shall begin on July 1, however, when an *ad-hoc committee* is created at
 613 a special town meeting the initial appointments shall be made promptly.
 614

- 615 4. Any member of a *committee* may resign at any time by giving written notice to the Town
616 Clerk pursuant to M.G.L. c. 41, s. 109, and to the chair of the respective *committee*. The
617 Town Clerk shall notify the appointing authority within seven (7) days.
618
619 5. Whenever a vacancy occurs in the membership of a *committee*, by reason of death,
620 resignation, removal from the town, inability to act, or for any other reason, the vacancy
621 shall be promptly filled by appointment for the unexpired portion of the term.
622
623 6. All members of all *committees* shall serve without pay.
624

625 **C. ORGANIZATION**

626 [added ATM 6-9-14, art. 20]

- 627 1. Each *committee* shall organize during its first meeting and thereafter reorganize annually
628 during the first meeting following July 1 of each fiscal year.
629
630 2. Each *committee* shall elect its own chairperson, vice-chairperson, and clerk. Each officer
631 shall hold office until the next annual reorganization. In the event a vacancy occurs in any of
632 the offices above, the *committee* shall, at the first meeting after the vacancy occurs, elect
633 one of its members to fill such vacancy.
634
635 3. The first meeting of any *committee* will be called by the previous term's chairperson, or if
636 that person is not reappointed, by the previous term's vice-chairperson, or if that person is
637 not reappointed the appointing authority shall designate a member to call a meeting.
638
639 4. The appointing authority shall designate a member of a newly-created *committee* to call the
640 initial meeting.
641
642 5. Meetings of a *committee* may be called by either the Chair or any three voting members.
643

644 **ART. 2.40. SECTION 3. Removal**

- 645 **A.** The appointing authority for any *committee* established or appointed under these Bylaws may
646 remove an appointee to such *committee* for good cause before his/her term expires. Good cause
647 may include illegal activities, lack of meeting attendance, or refusal to call meetings or conduct
648 unbecoming of the office, as well as those reasons that are specified in Charter Section 7.5. Lack
649 of meeting attendance shall mean missing four (4) or more consecutive meetings, or ½ of all of
650 the meetings of the committee held in one (1) calendar year. Conduct inappropriate to the office
651 shall relate to egregious or unprofessional behavior and/or the appointee's treatment of other
652 town officials and the public, and may not be related to any vote or votes cast by the appointee
653 or his/her opinion or position on any issue. [amended ATM 6-8-15, art. 33]
654
655 **B.** The appointing authority shall notify the appointee and the Chairman of said *committee* first
656 verbally and then in writing by hand or by certified mail, with a copy to the Town Clerk, of
657 his/her removal from office. If a Chairman is removed, then the appointing authority shall also
658 notify the Co-Chairman, Vice-Chairman or the Secretary of said *committee*. If none exist, then
659 notification shall be given to the remaining *committee* members. The removal shall be valid upon
660 the U.S. Certified mail postmark date of the written notification. [amended ATM 6-8-15, art. 33]
661
662 **C.** An appointee removed under Paragraph B₂ above may appeal his/her removal within five (5)
663 days of receipt of such notification by requesting a hearing in writing to the appointing authority
664 who shall notify the appointee of the hearing date, time and location within fourteen (14) days of
665 receipt of the written appeal hearing request. The appeal hearing shall take place within thirty
666 (30) days of the written request. The appeal shall be held in Executive Session only upon
667 request from the appointee and a secretary shall be present to take minutes. The ruling

668 rendered shall be final and made within four (14) days of the hearing. Written notice of the
669 ruling shall be given to the appointee, appointing authority, Town Clerk and said *committee*.
670 Where a joint appointment is made such as the Personnel Board, the removal shall be made
671 jointly by the Board of Selectmen Chairman and the Finance Committee Chairman and the appeal
672 shall be heard by the Moderator. [amended ATM 6-8-15, art. 33]
673

- 674 D. If the appointee requests an appeal hearing, the seat shall not be filled until the appeal judgment
675 is rendered, however, during the appeal process the appointee's seat shall be determined to be
676 vacant.
677

678 **ART. 2.40. SECTION 4. Operation**

679 [added ATM 6-9-14, art. 20]

- 680 A. It shall be the duty of all *committees*, and all *elected boards*, to make a report at the next Annual
681 Meeting unless otherwise directed, upon matters referred to them.
682

683 Every *committee* and every *elected board* shall also submit an annual report of its activities to the
684 Board of Selectmen for inclusion in the Annual Town Report, and send copies to any relevant
685 state agencies.
686

- 687 B. When requested, the Selectmen shall provide a suitable place in which meetings may be held.
688

- 689 C. *Committees* may expend necessary funds subject to lawful appropriation and approval.
690

- 691 D. *Committees* and *elected boards* may expend such funds received as monetary grants and gifts
692 subject to prior approval of the Board of Selectmen. *Committees* and *elected boards* may accept
693 gifts of tangible property subject to prior approval of the Board of Selectmen.
694

- 695 E. *Committees* may, in fulfilling their role and responsibilities, employ staff or change the
696 employment status of any person(s) employed by the *committee* subject to the prior approval of
697 the Board of Selectmen or other appointing authority.
698

- 699 F. *Committees* and *elected boards*, in compliance with the requirement of M.G.L. c. 30A, s. 22, shall
700 prepare and act on minutes of each meeting at the next following meeting. However, a draft of
701 the minutes of a meeting shall be available within fourteen (14) days of the date of such
702 meeting. Each *committee* and *elected board* shall submit copies of all minutes, except minutes
703 of executive sessions, to the Town Clerk upon their approval. Minutes of executive sessions shall
704 be submitted to the Town Clerk upon the determination by the *committee* or *elected board*, or its
705 chair or designee that publication of the minutes would not defeat the purpose of the executive
706 session.
707

708
709 **ARTICLE 2.50. Vacancies in Office [reserved]**
710

711
712 **ARTICLE 2.60. Meetings and Executive Sessions**
713

714 **ART. 2.60. SECTION 1. Quorum and Manner of Acting**

715 Unless provided otherwise in these Bylaws, a majority of the authorized voting members of a *committee*,
716 or of an *elected board*, shall constitute a quorum. When a quorum is present at a duly-called meeting,
717 the affirmative vote of a majority of the voting members present and voting shall decide any question,
718 unless otherwise provided by law or these Bylaws. A written summary of all actions taken at each
719 *committee* meeting shall be prepared. [amended ATM 6-9-14, art. 20]
720

721 **ART. 2.60. SECTION 2. Exception to the “Mullin Rule”**
722 M.G.L. c. 39, section 23D, shall apply to all public hearings conducted by any *committee* or of any *elected*
723 *board* of the Town. (see Appendix C) [amended ATM 6-9-14, art. 20]

724
725 **ART. 2.60. SECTION 3. Conclusion of Public Meetings**
726 All public meetings, shall conclude no later than 11:00 pm. A *committee*, or an *elected board* may, by
727 the affirmative vote of two-thirds of its members who are present, extend a meeting to 11:30 pm if the
728 prompt and orderly conduct of public business so requires. Under no circumstances shall any meeting
729 extend beyond 11:30 pm. This section shall not apply to emergency meetings as defined in the
730 Commonwealth’s Open Meeting Law or to meetings in executive session, provided that the public vote to
731 go into executive session is properly taken prior to the relevant deadline. [amended ATM 6-9-14, art. 20]

732
733
734 **ARTICLE 2.70. Notices [reserved]**

735
736
737 **ARTICLE 2.80. Policies and Procedures [reserved]**

738
739
740

741 **TITLE III. ADMINISTRATION**

742
743
744 **ARTICLE 3.10. Board of Selectmen**

745
746 **ART. 3.10. SECTION 1. Licensing**

747 **A. Highways and Sidewalks**

748 1. The selectmen, before granting a written permission to move a building in any public street
749 or way in town, shall ascertain if the destruction or injury of any shade or ornamental tree,
750 shrub, or any fixture of ornament or utility standing in a street way, or enclosure adjoining
751 the same, will be caused thereby, and if in such case, in the opinion of the selectmen, such
752 permission should be granted, they may require the person applying to give satisfactory
753 security to any person owning such trees, shrubs or fixtures to indemnify him for any
754 damage caused as aforesaid, before giving such permission.

755
756 2. No person shall place or maintain over any sidewalk, any awning, shade, shade-frame,
757 canopy, sign, or sign-board, without a permit from the Board of Selectmen, but no such
758 awning, shade, shade-frame, canopy, sign or sign-board, shall be less than seven feet from
759 the ground in the lowest part, nor extend beyond the line of the sidewalk.

760
761 **B. Junk Dealers and Collectors**

762 1. The selectmen may license suitable persons to be dealers in and keepers of shops, for the
763 purchase, sale or barter of junk, old metals, or second-hand articles, in the town. They may
764 also license suitable persons as junk collectors, to collect by purchase or otherwise, junk, old
765 metals, and second-hand articles from place to place in the town; and they may provide that
766 such collectors shall display badges upon their persons or upon their vehicles, or upon both
767 when engaged in collecting, transporting, or dealing in junk, old metals, or second-hand
768 articles; and may prescribe the design thereof. They may also provide that such shops and
769 all articles of merchandise therein, and any place, vehicle, or receptacle used for the
770 collection or keeping of the articles aforesaid, may be examined at all times by the selectmen
771 or by any person by them authorized thereto.

772
773 2. Every keeper of a shop for the purchase, sale or barter of junk, old metals, or second-hand
774 articles within the limits of the town shall keep a book, in which shall be written at the time
775 of every purchase of any such article, a description thereof, the name, age, and residence of
776 the person from whom, and the day and hour when such purchase was made; such book
777 shall at all times be open to the inspection of the selectmen and of any person authorized to
778 make such inspection; every keeper of such shop shall put in a suitable and conspicuous
779 place on his shop a sign having his name and occupation legibly inscribed thereon in large
780 letters; such shop and all articles of merchandise therein may be at all times examined by the
781 selectmen or by any person by them authorized to make such examination; and no keeper of
782 such shop and no junk collector shall, directly or indirectly, either purchase or receive by way
783 of barter or exchange any of the articles aforesaid of a minor or apprentice knowing or
784 having reason to believe him to be such; and no article purchased or received by such shop
785 keeper shall be sold until at least one week from the date of its purchase or receipt has
786 elapsed. Such shops shall be closed between the hours of 9 P.M. and 7 A.M., and no keeper
787 thereof and no junk collector shall purchase any of the articles aforesaid during such hours.

788
789

790 **C. Wires for the Transmission of Electricity or Data**

791 No person shall erect, construct or maintain wires for the transmission of electricity or data, or
792 any poles, piers, structures, abutments or conduits necessary therefore, upon, along, under or
793 across a public way without first obtaining a permit from the Board of Selectmen pursuant to
794 G. L. c.166, Section 22. Each day that any such equipment remains in place without a permit
795 shall be deemed a separate offense.
796

797
798 **ARTICLE 3.20. Town Administrator**
799

800 **ART. 3.20. SECTION 1. Duties and Responsibilities**

801 [Art. 3.20, STM 6/3/96]

802 The Town Administrator shall be appointed by the Board of Selectmen, and shall act for the Board of
803 Selectmen in any matter they delegate to the Town Administrator relating to the administration of the
804 affairs of the Town or of any office or department under their supervision. When doing so, the Town
805 Administrator acts as the agent for and with the authority of the Board of Selectmen. The Town
806 Administrator shall be responsible to the Board of Selectmen for the proper management and
807 administration of the functions, officials, and departments under the jurisdiction of the Board of
808 Selectmen. The duties and responsibilities of the Town Administrator shall include, in addition to those
809 duties and responsibilities that are specified in the *Charter*, but shall not be limited to the following:

810 [amended ATM 6-8-15, art. 33]

- 811
- 812 **A.** Perform all functions of Risk Manager, as advised by the Insurance Committee, and administer
813 the municipal insurance program; [amended ATM 6-8-15, art. 33]
814
 - 815 **B.** Supervise the issuance and renewal of all licenses and permits that may be issued by the Board
816 of Selectmen; [amended ATM 6-8-15, art. 33]
817
 - 818
 - 819 **C.** The Town Administrator shall report directly to the Chairman of the Board. [amended ATM 6-8-
820 15, art. 33]
821
 - 822 **D.** Fulfill such other and further specific duties and delegations as may from time to time be
823 assigned to the Town Administrator by the Board of Selectmen. [amended ATM 6-8-15, art. 33]
824

825 **ART. 3.20. SECTION 2. Shall Not be the Town Accountant**

826 The Town Administrator shall not, during his term of office, hold or be appointed to the office of town
827 accountant. [amended ATM 6-8-15, art. 33]
828

829
830 **ARTICLE 3.30. Procurement and Chief Procurement Officer**
831

832 **ART. 3.30. SECTION 1. Contracts with Town Officers and Employees**

833 No town officer and no salaried employee of the town or any agent of any officer or employee shall sell
834 materials or supplies or furnish labor to the town, by contract or otherwise, without permission of the
835 Chief Procurement Officer or other board authorized to purchase or otherwise secure materials, supplies
836 and labor for the town, expressed in a vote which shall appear on the records of such board with the
837 reason therefore. All such contracts or agreements shall be made or awarded, as far as is practicable, in
838 such a manner as to secure reasonable competition. [amended ATM 6-8-15, art. 33]
839

840 **ART. 3.30. SECTION 2. Competitive Public Bidding**

841 The Town of Wrentham shall use competitive bidding procedures as specified in M.G.L. c. 30B for any
842 contract. Section 1 (b) of Chapter 30B, the exemptions from 30B, shall continue to apply except that the
843 designer exception in Section (15) will be revoked. [amended ATM 6-8-15, art. 35]

844
845 When the actual or estimated amount of a proposed contract amounts to ten thousand dollars or more,
846 such contract shall be awarded in accordance with the terms specified under Chapter 30B, of the General
847 Laws, as amended.

848
849 The bids shall be sealed, properly endorsed, and kept under lock and key until opened at the time stated,
850 in the presence of board, *committee* or officer authorized by the town to make the contract. No bids
851 shall be received after the time advertised for opening. Any or all bids may be rejected.

852
853 **ART. 3.30. SECTION 3. Disposal of Town Property**

854 **A. Scrap Metal**

855 The Superintendent of the Department of Public Works or his designee, with the prior approval of
856 the Town Administrator, shall be authorized to dispose of scrap metals in the best interest of the
857 town. [amended ATM 6-8-15, art. 33]

858
859
860 **ARTICLE 3.40. Legal Affairs**

861
862 **ART. 3.40. SECTION 1. Selectmen as Agents of the Town**

863 The Selectmen shall have full authority as agents of the town to institute, prosecute and compromise
864 suits in the name of the Town, and to appear, defend and compromise suits brought against the Town,
865 and to appear in proceedings before any tribunal, unless it is otherwise specially voted by the town.

866
867 **ART. 3.40. SECTION 2. Town Counsel**

868 The Selectmen may appoint a Town Counsel who shall at all times furnish legal advice to any officer of
869 the town through the Selectmen who may require his opinion upon any subject concerning the duties
870 incumbent upon such officers by virtue of his office. He shall, whenever his services are required, appear
871 in the prosecution or defense of suits and actions in which the Town is a party, and appear at any and all
872 hearings in behalf of the Town. And said Selectmen shall have full authority to employ special or
873 additional counsel, if necessity arises.

874
875 **ART. 3.40. SECTION 3. Treasurer to Execute Deeds and Other Instruments**

876 Whenever it shall be necessary to execute any deed conveying land or any other instrument required to
877 carry into effect any vote of the Town, the same shall be executed by the Treasurer unless the Town
878 shall otherwise vote.

879
880
881 **ARTICLE 3.50. Town Clerk**

882
883 **ART. 3.50. SECTION 1. Certification of Appropriations by Town Meeting**

884 Whenever, at any Town Meeting, an order or vote appropriating money becomes effective, the Town
885 Clerk shall certify to the Assessors and the Town Accountant each appropriation in detail, and the
886 provision made for meeting the same, if specified in the appropriation order or vote.

887
888

889 **ART. 3.50. SECTION 2. Custodian of Records**

890 **A. Deeds and Conveyances**

891 It shall also be the duty of the town clerk to keep a true copy, in a book to be kept for such
892 purpose alone, of all deeds or conveyances executed in behalf of the town by any town officer,
893 and to see that every conveyance to the town of any interest in real estate is properly recorded
894 in the registry of deeds.

895

896 **B. Plans of Town Ways**

897 Whenever a town way is laid out or altered, a plan shall be made and filed in the town clerk's
898 office with the location thereof and it shall be the duty of the town clerk to keep a book of
899 records for the sole purpose of recording the location of all highways and town ways within the
900 town, with an index thereto.

901

902 **ART. 3.50. SECTION 3. Public Notices**

903 Any notice posted under the seal of the Town Clerk or any notice date stamped and posted by the Town
904 Clerk on the principal official bulletin board of the Town or in a public place so designated for such
905 posting shall not be removed. Removal of such notices shall be punishable by a fine in the amount
906 specified in ART. 4.10, SECTION 7.B., and shall be enforced by the Chief of Police. [amended ATM 6-8-
907 15, art. 34]

908

909 **ARTICLE 3.55. Records and Annual Reports**

910

911 **ART. 3.55. SECTION 1. Records to be Maintained and Open to Any Citizen**

912 All officers of the town shall cause records of their doings and accounts to be kept in suitable books
913 which books shall be kept in the town office and shall be open, at all reasonable times, to the inspection
914 of any citizen of the town under the supervision of the *elected board, committee*, or officers designated
915 to keep charge thereof. [amended ATM 6-9-14, art. 20]

916

917 **ART. 3.55. SECTION 2. Annual Report by Elected Boards, Committees and Officers of**
918 **Expenditures**

919 Not later than the date set by the Board of Selectmen all boards of town officers, and committees having
920 charge of the expenditure of town money, including grants and gifts, revolving funds, and any other
921 funds, shall annually report in writing to the Board of Selectmen in such manner as to give the citizens a
922 fair and full understanding of the objects and methods of such expenditures. [amended ATM 6-9-14, art.
923 20]

924

925 **ART. 3.55. SECTION 3. Town Report**

926 **A. General**

927 The town clerk shall furnish for publication in the annual town report an abstract of the official
928 records of all town meetings held during the preceding fiscal year, shall also furnish for the same
929 purpose an abstract of the vital statistics for the preceding fiscal year.

930

931 **B. Prepared on a Fiscal Year Basis**

932 Any annual report required under this article shall be prepared on a fiscal year basis (covering
933 the period from July 1 through June 30), and submitted to the selectmen by such date as they
934 may determine, or take any action relative thereto.

935

936 **C. Decennial valuation by Assessors**

937 Each decennial valuation of estates made by the assessors, or an abstract thereof, shall be
938 printed and distributed with the annual town report for the next year.

939

940 **ART. 3.55. SECTION 4. Town Seal**

941 The town clerk shall have the custody of the town seal, electrotypes and woodcuts; and all copies of
942 records and papers certified by him shall be authenticated by the said seal, and all contracts entered into
943 between the town and other parties, deeds and other documents requiring a seal shall be likewise
944 authenticated by the town seal.

945
946

947 **ARTICLE 3.60. General Bylaw Review Committee**

948 [amended ATM 6-9-14, art. 21]

949

950 **ART. 3.60. SECTION 1. General**

951 **A.** There shall be a standing *committee* known as the General Bylaw Review Committee.

952

953 **B.** The members of the Committee will be appointed by the Moderator, and shall be comprised of
954 the following voting members:

955 a member of the Board of Selectmen, a Finance Committee member, a Planning Board member,
956 Town Clerk, and three citizens-at-large, preferably one from each precinct. *Ex-officio*, non-voting
957 members shall be: Building Inspector, Police Chief, Fire Chief, and DPW Superintendent.

958

959 **C.** A *quorum* shall be three present voting members.

960

961 **ART. 3.60. SECTION 2. Role and Responsibility**

962 The purpose of the Committee is to review the existing General Bylaws and make recommended
963 changes, if any, at a future town meeting. Additionally, the Committee shall review all proposed
964 amendments to the General Bylaws which are included in a warrant article that is to be considered at any
965 annual or special town meeting. The Committee shall report its findings and recommendations to the
966 town meeting, and may offer a motion on such warrant article in accordance with ARTICLE 2.20,
967 SECTION 4, of these Bylaws.

968

969

970 **ARTICLE 3.70. Cable Advisory Committee**

971

972 **ART. 3.70. SECTION 1. General**

973 [amended ATM 6-9-14, art. 21]

974 **A.** There shall be a standing *committee* to be known as the Cable Advisory Committee.

975

976 **B.** The committee, which shall be appointed by the Board of Selectmen, shall consist of:
977 five (5) voting members and one (1) non-voting liaison from the Board of Selectmen, as follows:
978 one (1) member representing the Wrentham School Committee, one (1) member representing
979 the King Philip Regional School Committee, one (1) member nominated by and to represent
980 Wrentham Cable Access Corporation, and two (2) members at large, each of whom shall be a
981 subscriber to the local cable network.

982

983 No person shall be disqualified from serving as a member at large by reason of being a member
984 of Wrentham Cable Access Corporation, provided that he or she is not an officer or director of
985 said corporation.

986

987 **ART. 3.70. SECTION 2. Role and Responsibility**

988 [amended ATM 6-9-14, art. 21]

989 The Committee shall:

990 **i.** monitor and advise and/or make recommendation to the Town of Wrentham and to its
991 franchising authority (the Board of Selectmen) on matters related to the current operations of
992 those educational access, public cable access, or cable network television operations franchised

- 993 by the Town, including but not limited to network and local programming, rates/fees, service and
994 distribution and franchising compliance;
995
996 **ii.** play a key role in the license renewal process, including ascertaining the Town's cable needs and
997 interests pursuant to 47 U.S.C. 446;
998
999 **iii.** facilitate communications and activities between the Town's cable network vendor(s), the
1000 Wrentham Cable Access Corporation, interested citizens and the franchising authority;
1001
1002 **iv.** educate municipal and school officials, community organizations and the general public about the
1003 available benefits of, and rights under, the cable license; and,
1004
1005 **v.** such other matters as the Board of Selectmen may request from time to time. With regard to the
1006 license renewal process, the Committee shall gather information and conduct necessary hearings
1007 related to system design/upgrade, consumer protection, expansion of service area, programming
1008 and local programming/access, rates and fees and other such relevant matters.
1009

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1011 **ARTICLE 3.80. Personnel Board**

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1013 (Refer to the Personnel Bylaws.)
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TITLE IV. FINANCE

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ARTICLE 4.10. Financial Affairs

ART. 4.10. SECTION 1. Fiscal Year

The financial year shall begin with the first day of July in each year, and end with the last day of June following.

ART. 4.10. SECTION 2. Annual Audit

There shall be an annual audit of the Town's accounts under the supervision of the Director of Accounts of the Department of Corporations and Taxation in accordance with the provisions of Section 35, Chapter 44, General Laws.

ART. 4.10. SECTION 3. Fidelity Bonds

The Selectmen shall have charge of the bonds of the Town Treasurer, Town Collector and Town Clerk and deposit the same in a safe place.

ART. 4.10. SECTION 4. Authorization of Charges to Appropriations

No bill, charge or account against the Town shall be paid without the approval, in writing, first obtained of the person, persons or committee contracting the same.

ART. 4.10. SECTION 5. Period During Which Appropriations May be Expended or Committed by Contract

Any sum in any account established by appropriation which remains unexpended, or with respect to which the expenditure thereof has not been committed by contract, at the close of the second full fiscal year next following its appropriation shall be closed to the Excess and Deficiency Fund. Provided, however, that the Town Meeting may approve an extension of not more than twelve months in the time within which funds may be expended or a commitment made for the expenditure thereof at the request of the spending authority. The provisions thereof shall apply to all accounts now on the books of the Town, except that the time within which expenditures be June 30, 1981 for any account which would otherwise be closed by virtue hereof. This section shall not apply to appropriations that are subject to the provisions of state statute.

ART. 4.10. SECTION 6. Departmental Fees

- A.** Any *elected board* or elected official, when fixing any fee as authorized by a Town of Wrentham Bylaw or by a Massachusetts General Law, shall encourage public participation and fiscal accountability in setting the amount of such fee.
- B.** Each board, committee or department shall observe the provisions of M.G.L. c. 40, s. 22F in setting any fee.
- C.** Each year while preparing the Town's annual operating budget for the ensuing fiscal year, each officer, *elected board*, *committee* and department that is authorized to charge a fee for service shall analyze the cost of providing such service and recommend any appropriate revisions to the Board of Selectmen or other *elected board* that is the appointing authority. [amended ATM 6-8-15, art. 35]
- D.** Prior to establishing or revising any fee, the appropriate elected officer or board shall hold a public hearing to obtain public comment on any revision to any fee, or on the establishment of any fee. Notice of such hearing shall be made at least fourteen days in advance by posting on the Town's website and other electronic media, issuance of public notices to newspapers of general circulation, and through similar action.

- 1070
 1071 E. Members of the public may submit written comments about any matter discussed during the
 1072 public hearing to the appropriate elected officer or board within ten days after the hearing is
 1073 closed.
 1074
 1075 F. Any action by the appropriate elected officer or board to revise any fee shall not take effect until
 1076 at least thirty days after the date of such action, and shall be posted on the Town's website and
 1077 reported in the Annual Town Report.
 1078

1079 **ART. 4.10. SECTION 7. Fees, Fines and Other Charges** [amended STM 11-14-16, art. 17]

1080 **A. Fees:**

- 1081 i. Flammables, original fee (ART. 5.30, SECTION 1.) \$500.00
 1082 ii. Flammables, renewal fee (ART 5.30, SECTION 1.) \$250.00
 1083 iii. Excavating in public ways, application fee (ART. 6.20, SECTION 2.C.) \$50.00
 1084 iv. Test of any testable backflow prevention device (ART. 6.30, SECTION 3.) \$50.00
 1085 v. Water use violation (ART. 6.30, SECTION 4.)
 1086 1. first violation \$50.00
 1087 2. second violation \$100.00
 1088 3. third and subsequent violations (and termination of water service \$200.00
 1089 for water customers). Each day may be considered a separate offense.

1090 **B. Fines:**

- 1091 i. Removal of public notices (ART. 3.50, SECTION 3) \$100.00
 1092 ii. Failure to affix numbering to buildings (ART. 4.50, SECTION G):
 1093 1. first offense \$100.00
 1094 2. second offense \$200.00
 1095 3. third offense \$300.00
 1096 iii. False alarms (ART. 5.10, SECTION 4.B.):
 1097 1. fifth and sixth alarms \$25.00
 1098 2. seventh and subsequent alarms \$50.00
 1099 iv. Incessant continuation of audible alarm (ART. 5.10 SECTION 4.C.) \$50.00
 1100 v. Unauthorized use of off-road vehicle (ART. 5.10, SECTION 7.C.) \$250.00
 1101 vi. Unauthorized consumption of alcoholic beverages by a patron (ART. 5.10,
 1102 SECTION 8.B.) \$300.00
 1103 vii. Public consumption of marijuana (ART. 5.10, SECTION 9) \$300.00
 1104 viii. Failure to license dog (ART. 5.20, SECTION 2.) \$50.00
 1105 ix. Complaints as to dogs (ART. 5.20, SECTION 5):
 1106 1. first and second offense \$25.00 per dog plus
 1107 \$40.00 administrative fee (\$80.00 administrative fee if dog is impounded and
 1108 released)
 1109 2. third and subsequent offense \$50.00 per dog plus
 1110 \$40.00 administrative fee (\$80.00 administrative fee if dog is impounded and
 1111 released)
 1112 Failure to obtain a kennel license (ART 5.20, SECTION 7) \$50.00
 1113 x. Excavating in public ways (ART. 6.20, SECTION 2.I.) \$50.00
 1114 xi. Violation of mandatory recycling (ART. 6.50, SECTION 1.G.):
 1115 1. First violation Written Warning
 1116 2. Second violation \$35.00
 1117 3. Third and subsequent violations \$75.00
 1118 xii. Destruction of stone walls or cutting trees on a scenic road (ART. 7.12, SECTION 5.1.):
 1119 1. First violation Written Warning
 1120 2. Second violation \$35.00
 1121 3. Third and subsequent violations \$75.00
 1122

1123	xiii.	Violation of wetland protection bylaw (ART. 7.31, SECTION 12.)	
1124	1.	First violation	\$100.00
1125	2.	Second violation	\$200.00
1126	3.	Third and subsequent violations	\$300.00

1127

1128 **C. Other Charges:**

1129	i.	Additional collection fee, failure to license dog (ART. 5.20, SECTION 2.)	\$100.00
1130	ii.	Excavation in public way, guarantee proper replacement (ART. 6.20, SECTION 2.E.):	
1131	1.	Bituminous concrete Streets/Sidewalks	\$50.00 per square yard
1132	2.	Bituminous concrete berm	\$10.00 per lineal foot
1133	3.	Vertical granite curbing (Remove & rest)	\$15.00 per lineal foot
1134	4.	Grass plot	\$10.00 per square yard
1135	5.	Gravel shoulder	\$10.00 per square yard
1136	6.	Cement concrete sidewalks	\$70.00 per square yard
1137	iii.	Earth removal review consultant expenses (ART. 7.11, SECTION 6.B.2.):	
1138	1.	earth removal of 5,000 cubic yards or less	not to exceed \$2,500.00
1139	2.	earth removal of more than 5,000 cubic yards	not to exceed \$5,000.00

1140

1141 **ART. 4.10. SECTION 8. Revolving Funds** [amended ATM 06-03-19, art. 13]

1142

1143 **A. Purpose.** This bylaw establishes and authorizes revolving funds for use by town departments,
 1144 boards, committees, agencies or officers in connection with the operation of programs or
 1145 activities that generate fees, charges or other receipts to support all or some of the expenses of
 1146 those programs or activities. These revolving funds are established under and governed by MGL
 1147 Chapter 44, Section 53E ½.

1148

1149 **B. Expenditure Limitations.** A department or agency head, board, committee or officer may incur
 1150 liabilities against and spend monies from a revolving fund established and authorized by this
 1151 bylaw without appropriation subject to the following limitations:

- 1152 i. Fringe benefits of full-time employees whose salaries or wages are paid from the fund
 1153 shall also be paid from the fund.
- 1154 ii. No liability shall be incurred in excess of the available balance of the fund.
- 1155 iii. The total amount spent during a fiscal year shall not exceed the amount authorized by
 1156 town meeting on or before July 1 of that fiscal year, or any increased amount of that
 1157 authorization that is later approved during that fiscal year by the Board of Selectmen and
 1158 finance committee.

1159

1160 **C. Interest.** Interest earned on monies credited to a revolving fund established by this bylaw shall
 1161 be credited to the general fund.

1162

1163 **D. Procedures and Reports.** Except as provided in MGL Chapter 44, Section 53 ½ and this bylaw,
 1164 the laws, charter provisions, bylaws, rules, regulations, policies or procedures that govern the
 1165 receipt and custody of town monies and the expenditure and payment of town funds shall apply
 1166 to the use of a revolving fund established and authorized by this bylaw. The town accountant
 1167 shall include a statement on the collections credited to each fund, the encumbrances and
 1168 expenditures charged to the fund and the balance available for expenditures in the regular report
 1169 the town accountant provides the department, board, committee, agency or officer on the
 1170 appropriations made for its use.

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E. Authorized Revolving Funds

The Table establishes:

- i. Each revolving fund authorized for use by a town department, board, committee, agency or officer,
- ii. The department or agency head, board, committee or officer authorized to spend from each fund,
- iii. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the town accountant ,
- iv. The expenses of the program or activity for which each fund may be used,
- v. Any restrictions or conditions on expenditures from each fund,
- vi. Any reporting or other requirements that apply to each fund, and
- vii. The fiscal years each fund shall operate under this bylaw.

i.	ii.	iii.	iv.	v.	vi.	vii.
Revolving Fund	Department, Board, Committee, Agency, or Officer Authorized to Spend from Fund	Fees, Charges, or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Req./ Reports	Fiscal Years
Police Equipment	Police Department with approval of Town Administrator	Chelsea GCA Premium Outlet Center for Police equipment provided at Outlet site	Police Equipment	\$50,000.00		All
Recycling and Solid Waste	Public Works Department with approval of Town Administrator	Sale of composting bins, curbside carts, kitchen scrap buckets and water barrels	Purchase additional of composting bins, curbside carts, kitchen scrap buckets and water barrels	\$50,000.00		All
Firearms Licenses	Police Department	Applicants for Firearms Licensing	Expenses/fees payable to Mass Firearms Bureau for permit processing	\$25,000.00		All
Wrentham Cultural Council	Wrentham Cultural Council	Artist application fees	Wrentham Cultural Council Community Events	\$10,000.00		All
Communications	Town Administrator	Proceeds received from Clear Channel Development Agreement	Purchase of Hardware, Software, Equipment and Ancillary Services to Enhance Town-wide Communications	\$20,000.00		All

1188
1189 **ARTICLE 4.20. Finance Department**
1190 [ATM 5/9/03]

1191
1192 **SECTION 1. Organization**

1193 There shall be a Consolidated Department of Municipal Finance as provided under Massachusetts General
1194 Laws, Chapter 43C, Section 11 which shall be responsible for all fiscal and financial affairs of the Town of
1195 Wrentham and for the supervision and coordination of all activities of all government agencies in relation
1196 to any fiscal or financial matters. This department shall include the following existing entities which shall
1197 become divisions of the consolidated department: Accountant, Treasurer and Tax Collector. Additionally,
1198 the functions of automated data processing shall also become part of the responsibilities of this
1199 department.

1200
1201
1202 **ARTICLE 4.30. Finance Director** (reserved) [amended ATM 6-8-15, art. 33]

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1204
1205 **ARTICLE 4.35. Town Accountant**

1206
1207 **ART. 4.35. SECTION 1. Appointment**

1208 The Finance Director may appoint a town accountant, who shall keep the financial records of the town,
1209 according to the system of accounting adopted by the town. Said accountant may fill such other
1210 positions as the town shall determine, consistently with the statutes, and shall furnish for publication, in
1211 the annual town report, a detailed account of the receipts and expenditures of the town for the preceding
1212 financial year; also a statement of the town's indebtedness, and a list of bills outstanding at the close of
1213 the financial year. [amended ATM 6-8-15, art. 33]

1214
1215 **ART. 4.35. SECTION 2. Duties and Responsibilities** [reserved]

1216
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1218 **ARTICLE 4.40. Treasurer/Collector**

1219
1220 **ART. 4.40. SECTION 1. Collector to Collect all Accounts Due to the Town**

1221 On and after January 1, 1945, the Collector of Taxes shall collect, under the title of Town Collector, all
1222 accounts due the Town.

1223
1224 **ART. 4.40. SECTION 2. Denial, Revocation or Suspension of Licenses for Failure to Pay**
1225 **Municipal Taxes or Charges**

1226 **A.** The tax collector or other municipal official responsible for records of all municipal taxes,
1227 assessments, betterments and other municipal charges, hereinafter referred to as the tax
1228 collector, shall annually, and may periodically, furnish to each department, board, commission or
1229 division, hereinafter referred to as the licensing authority, that issues licenses or permits
1230 including renewals and transfers, a list of any person, corporation, or business enterprise,
1231 hereinafter referred to as the party that has neglected or refused to pay any local taxes, fees,
1232 assessments, betterments or other municipal charges, and that such party has not filed in good
1233 faith a pending application for an abatement of such tax or pending petition before the appellate
1234 tax board [amended ATM 6-7-17, art. 20].

1235
1236 **B.** The licensing authority may deny, revoke or suspend any license or permit, including renewals
1237 and transfers of any party whose name appears on said list furnished to the licensing authority
1238 from the tax collector, or with respect to any activity, event or other matter which is the subject
1239 of such license or permit and which activity, event or matter is carried out or exercised or is to be
1240 carried out or exercised on or about real estate owned by any party whose name appears on said

1241 list furnished to the licensing authority from the tax collector; provided, however, that written
1242 notice is given to the party and the tax collector, as required by applicable provisions of law, and
1243 the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list
1244 shall be prima facie evidence for denial, revocation or suspension of said license or permit to any
1245 party. (amended 4/24/95)

1246
1247 **C.** The tax collector shall have the right to intervene in any hearing conducted with respect to such
1248 license denial, revocation or suspension. Any findings made by the licensing authority with
1249 respect to such license denial, revocation or suspension shall be made only for the purposes of
1250 such proceeding and shall not be relevant to or introduced in any other proceeding at law, except
1251 for any appeal from such license denial, revocation or suspension. Any license or permit denied,
1252 suspended or revoked under this section shall not be reissued or renewed until the license
1253 authority receives a certificate issued by the tax collector that the party is in good standing with
1254 respect to any and all local taxes, fees, assessments, betterments or other municipal charges,
1255 payable to the municipality as the date of issuance of said certificate.

1256
1257 **D.** Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the
1258 licensing authority to issue a certificate indicating said limitations to the license or permit and the
1259 validity of said license shall be conditioned upon the satisfactory compliance with said agreement.
1260 Failure to comply with said agreement shall be grounds for the suspension or revocation of said
1261 license or permit; provided, however, that the holder be given notice and a hearing as required
1262 by applicable provisions of law.

1263
1264 **E.** The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no
1265 direct or indirect business interest by the property owner, its officers or stockholders, if any, or
1266 members of his immediate family, as defined in section one of chapter two hundred and sixty-
1267 eight, in the business or activity conducted in or on said property.

1268
1269 **ART. 4.40. SECTION 3. Annual Report by the Town Treasurer of Town Debt and Expenditures**

1270 In his annual town report the town treasurer shall state specifically the objects for which the debt of the
1271 town was increased, if any, during the preceding year, and recite the votes under which the money was
1272 borrowed, and shall render a classified statement of all receipts and expenditures of the town in such
1273 detail as to give a fair and full exhibit of the objects and methods of all expenditures. He shall also give a
1274 statement of all funds held in trust by the town, including the amount, for what purpose created and how
1275 the same are invested.

1276
1277 **ART. 4.40. SECTION 4. Town Treasurer's Warrant Upon the Assessors of Taxes**

1278 It shall be the duty of the town treasurer, whenever money is to be raised by taxation, to draw his
1279 warrant upon the assessors of taxes, requiring them to assess and apportion the amount certified to him
1280 by the town clerk, upon the polls and estates, both real and personal, and upon the lands of non-resident
1281 owners.

1282
1283 **ARTICLE 4.50. Board of Assessors**

1284
1285 **ART. 4.50. SECTION 1. Numbering of Buildings**

1286 **A.** Every property owner, manager or responsible party shall ensure that street numbers are
1287 installed and maintained to be visible at all times within the intent of this bylaw as well as being
1288 in accordance with M.G.L. Chapter 148, Section 59 and the International Building Code.

1289
1290 **B.** The Board of Assessors through the Assessors' office shall assign a lot number and associated
1291 street number to each building lot shown on a plan approved or endorsed by the Planning Board,
1292 and each dwelling, store, public garage, factory, or other building located upon a street or way,
1293

1294 public or private. All such buildings shall bear a number, such building number shall be associated
1295 with the street or way, public or private that provides for the driveway entrance [amended STM
1296 11-09-15, art. 14].
1297

1298 C. The format for all numbers that are assigned after the effective date of this bylaw shall be
1299 numbers that are divisible by five, i.e. 5 – 10 – 15 – 20 – etc. Numbering shall be consistent,
1300 odd on the left side of the roadway, even on the right. Declination shall be from the town center
1301 outward toward the town borders.
1302

1303 D. Upon mobilization of construction, renovation or repair the lot number and street number will be
1304 displayed so as to be visible from the street on the driveway entrance. This display shall be in
1305 place at all times, upon completion of work prior to an occupancy permit being issued the street
1306 number shall be visible from the associated street, either on the structure or at the driveway
1307 entrance, as prescribed within paragraph E.
1308

1309 E. Numbers affixed to a structure shall be of contrasting color from the background, a minimum of
1310 3" in height, visible from the driveway entrance. When the numbers are not visible on the
1311 structure from the street due to set back distance, over growth or other impediments, a post
1312 within six feet of the driveway will be installed, this post must be a minimum of 48" in height,
1313 have reflective numbers of 3" on either side of the post. A mailbox may be used in lieu of a post
1314 installation; reflective numbers of 3" height must be on both sides. The structure to which
1315 numbers are affixed must be installed on the same side of the roadway as the entry driveway.
1316 The structure will be orientated on the town center declination side of the driveway.
1317

1318 F. Multiple occupancy buildings which have individual street numbers shall provide for contrasting
1319 numbers 3" in height at the entryway, for the occupancy, visible from the street. If numbers are
1320 not visible from the street options within paragraph E will be adhered to.
1321

1322 G. Structures which do not meet the conditions of this bylaw will not be issued an occupancy permit,
1323 or other permits under the purview of the Town of Wrentham and its associated elected boards,
1324 committees or departments. Penalties for compliance failure may include fines in the amount
1325 specified in ART. 4.10, SECTION 7.B: The Fire Chief shall issue a written warning of violation,
1326 then fines for first offense, second offense, and third offense, after the third offense a civil
1327 violation will be pursued in District Court. [amended ATM 6-13-16, art. 25]
1328

1329 H. The Fire Chief shall interpret and enforce this bylaw.
1330

1331
1332 **ARTICLE 4.60. Finance Committee**
1333

1334 **ART. 4.60. SECTION 1. General**

1335 [amended ATM 6-9-14, art. 21]

1336 A. There shall be a *committee* known as the Finance Committee as authorized by M.G.L. c. 39, s.
1337 16.
1338

1339 B. The Committee shall consist of seven (7) members who shall be appointed by the Moderator. No
1340 member of the Committee shall be an elected official, paid committee member or town
1341 employee. An employee of the Town shall be deemed to mean one whose position or
1342 employment has not been expressly classified as that of a special employee under the provisions
1343 of General Laws, Chapter 268A, Section 1. [amended ATM 6-8-15, art. 35]
1344
1345

1346 **ART. 4.60. SECTION 2. Role and Responsibility**

1347 It shall be the duty of said Committee to consider all the articles of the warrant or warrants referred to it
1348 and make report thereon in writing, with the estimates and recommendations for the final action of the
1349 Town, at the Annual Meeting, and at any Special Meeting, unless otherwise directed by vote of the Town.
1350 Said Committee shall also act as an Advisory Committee for the Town.

1351
1352

1353 **ARTICLE 4.70. Capital Budget Planning Committee**

1354

1355 **ART. 4.70. SECTION 1. General**

1356 [amended ATM 6-9-14, art. 21]

1357 **A.** There shall be a standing *committee* to be known as the Capital Budget Planning Committee.

1358

1359 **B.** The Committee shall be composed of nine (9) members. The Town Moderator with the
1360 cooperation of the *committee* or *elected board* chair shall appoint the following members:
1361 one member of the Board of Selectman, one member of the Finance Committee, one member of
1362 the Wrentham Elementary School Committee, and four (4) residents-at-large who are registered
1363 voters. The Town Administrator or his/her designee, and the Finance Director or his/her
1364 designee shall serve as *ex-officio*, non-voting members. [amended STM 11-09-15, art. 12]

1365

1366 **ART. 4.70. SECTION 2. Role and Responsibility**

1367 In fulfilling the responsibilities that are specified in the *Charter*, the Committee is charged with the
1368 following: [amended ATM 6-8-15, art. 33]

1369

1370 **A.** The Committee shall study all proposed projects, capital investments, and improvements
1371 involving long-term assets and major projects ("Capital Expenditures") whether their acquisition
1372 would be financed by issuing debt, entering a lease, using available fund, or other means. Such
1373 expenses shall be designated as "Capital Expenditures" and are to be defined by the following
1374 criteria: 1) have a useful life of at least five (5) years; and 2) have a total cost including any and
1375 all preliminary planning and design of over \$25,000.00.

1376

1377 **B.** The Committee shall consider the relative need, timing, and cost of each requested Capital
1378 Expenditure and the effect that each will have on the financial position of the Town. [amended
1379 ATM 6-8-15, art. 33]

1380

1381 **C.** The Capital improvement plan that is required by Charter Section 6.2 (c) shall be presented at
1382 the annual town meeting together with all articles seeking appropriations for Capital Expenditures
1383 for the upcoming fiscal year. However, nothing shall prevent the inclusion of an article seeking
1384 an appropriation for a Capital Expenditure in a warrant for a special town meeting. [amended
1385 ATM 6-8-15, art. 33]

1386

1387

1388 **ARTICLE 4.80. Budget** (reserved) [amended ATM 6-8-15, art. 33]

1389

1390

1391

1392 **ARTICLE 4.90. Permanent Building Committee**

1393 [added ATM 6-9-14, art. 21]

1394

1395 **ART. 4.90. SECTION 1. General**

1396 **A.** There shall be a standing *committee* known as the Permanent Building Committee.

1397

1398 **B.** The Committee shall consist of seven (7) members with expertise and experience in architecture,
1399 construction, finance and other areas of expertise related to public construction, who shall be
1400 appointed by the Board of Selectmen.

1401

1402 **ART. 4.90. SECTION 2. Role and Responsibility**

1403 **A.** The Committee shall oversee and supervise the design and construction of projects for
1404 construction, reconstruction, improvement, addition, or capital repair of a building (project)
1405 within its jurisdiction, including the designer selection process for the solicitation, evaluation and
1406 recommendation of a project designer, schematic design, design development, production of
1407 construction documents, public construction bidding, contract award recommendation, and
1408 construction administration in compliance with the General Laws. All projects shall be developed
1409 in a manner consistent with the project goals and physical requirements established by the
1410 *elected board, committee* or department (proposing agency) and the applicable provisions of the
1411 General Laws. All solicitations for designer services and invitations for bids for construction shall
1412 be prepared and issued by the Chief Procurement Officer, to assure compliance with the
1413 applicable provisions of the General Laws.

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1415 Prior to the initial funding of a project, the determination shall be made whether the Committee
1416 or the Proposing Body shall supervise the construction of a project as follows, however, Town
1417 Meeting may specify otherwise:

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1419 **1.** The Committee shall supervise all projects that are estimated to cost at least \$25,000, unless
1420 the Committee and the proposing agency agree that the proposing agency shall supervise
1421 the project.

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1423 **2.** The proposing agency shall supervise any project estimated to cost less than \$25,000, unless
1424 the Committee and the proposing agency agree that the Committee shall supervise the
1425 project.

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1427 **3.** Notwithstanding the provisions of paragraph A. 1. the proposing agency shall supervise all
1428 projects for which funds are appropriated within its operating budget.

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1430 **B.** Review and Evaluate Buildings: The Committee shall annually review and evaluate the physical
1431 condition of all municipal and school buildings, including service equipment and major systems.
1432 It shall report its findings and recommendations to the Town Administrator before October 1 of
1433 each year for his/her consideration in development of the capital improvement plan. This report
1434 shall be included in the Annual Town Report.

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1436 Each proposing agency that has custody and maintenance of any town building shall cooperate
1437 fully with the Committee in the review and evaluation.

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- C. Financial Requirements and Notification:**
 - 1. Any proposing agency which intends to propose a project to Town Meeting shall provide information regarding the project goals and the financial requirements of the project to the Committee at least 180 days in advance of the Town Meeting at which funding of any kind for the project will be requested. This information shall be simultaneously submitted to the Town Administrator, the Board of Selectmen, the Finance Committee, and the Capital Improvement Committee. The Committee shall review the information provided to determine whether the sums requested are reasonable with respect to the financial requirements of the project and shall report thereon.
 - 2. Any proposing agency undertaking a project feasibility study shall inform the Committee of the study, and provide copies of any reports that result from the study to the Committee upon receipt.
 - D. Design Review:**
 - 1. A proposing agency shall submit to the Committee the design and building plans for any project prior to seeking an appropriation by Town Meeting.
 - 2. The Committee shall approve, disapprove, or modify the design within 30 days of the receipt thereof. Failure to approve, disapprove, or modify the design within the 30 day period shall constitute approval.
 - 3. Every project must be completed in accordance with a design approved by the Committee. Any modification of an approved design must be approved by the Committee before being incorporated into the project.

TITLE V. PUBLIC SAFETY

ARTICLE 5.10. Police Department

ART. 5.10. SECTION 1. General

- A. The Town Administrator shall appoint a Chief of Police who shall appoint such Regular or Special Police Officers as required, who, in addition to the duties required by the laws of the Commonwealth, shall make complaints for violation of these Bylaws. [amended ATM 6-8-15, art. 33]

- B. The Chief of Police possesses the discretion to determine the appropriate level of police service in the Town to ensure public safety. Therefore, notwithstanding any regulations or guidelines to the contrary, the Chief of Police has the discretion to require the presence of a sworn police officer, employed on a paid detail basis, in all instances where there is a street opening or any work to be done on a public way or at a public function in Town. The Chief shall have further discretion to determine the number of officers assigned to any such instance necessary to maintain public safety.

ART. 5.10. SECTION 2. Hawkers and Peddlers and Business Regulation

The Chief of Police shall administer and enforce the provisions of M.G.L. Chapter 101 that are not reserved to the Office of Consumer Affairs and Business Regulation or similar agency of the Commonwealth of Massachusetts.

The Board of Selectmen may promulgate rules and regulations, in consideration of any recommendation by the Chief of Police, for the effective administration and enforcement of the Section.

The Board of Selectmen may establish fees after conducting a public hearing for any license or permit that is authorized or required by this Section and by M.G.L. c. 101.

ART. 5.10. SECTION 3. Handicapped Parking

- A. Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by Section 2, of Chapter 90 of the Massachusetts General Laws or for any vehicle bearing the official identification of a handicapped person issued by any other 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 spaces but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one-half percent of such spaces but not less than ten; more than one thousand but not more than two thousand, one percent of such spaces but not less than fifteen; more than two thousand but less than five thousand, three-fourths of 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.

1520 **B.** Parking spaces designated as reserved under the provisions of Paragraph A, shall be identified by
1521 the use of above grade signs with white lettering against a blue background and shall bear the
1522 words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at
1523 Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be
1524 adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a
1525 handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of
1526 cross hatch between them. No person shall leave an unauthorized vehicle within parking spaces
1527 designated for use of disabled veterans or handicapped persons as authorized by this section or
1528 in such a manner as to obstruct a curb ramp designated for use by handicapped persons as a
1529 means of egress to a street or a public way. The penalty for violation of this bylaw shall be as
1530 follows: one hundred and fifty dollars; and for each subsequent offense the vehicle may be
1531 removed according to the provisions of Section 120D, of Chapter 266 of the Massachusetts
1532 General Laws.
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1534 **ART. 5.10. SECTION 4. False Alarms**

1535 **A. Definitions**

1536 For the purpose of this amendment, the following works and phrases shall have the following
1537 meanings:
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- 1539 **1.** Alarm System. Any assembly of equipment and/or devices that are designed to be activated
1540 either manually or automatically for the purpose of drawing attention to the presence of a
1541 hazard or situation, criminal or otherwise, to which the police are expected to respond.
1542
- 1543 **2.** Alarm User. Any person or business on whose premises an alarm system is installed and
1544 maintained within the Town of Wrentham, except for alarm systems that are installed in or on
1545 motor vehicles.
1546
- 1547 **3.** False Alarm. The activation of an alarm system through mechanical failure, malfunction,
1548 improper installation or negligence of the use of the alarm system or his or her employees or
1549 agents and any signal or communication of fact when there has been no unauthorized entry
1550 or intrusion into the premises and there has been no attempted robbery or burglary at the
1551 premises. Excluded from this definition shall be the activation of an alarm system by power
1552 outages, utility companies or other outside sources, hurricanes, severe storms and similar
1553 conditions.
1554

1555 **B. False Alarms**

1556 After the Police Department has recorded four (4) separate false alarms within the fiscal year, the
1557 alarm user shall be assessed following fines in the amount specified in ART. 4.7, SECTION 7.B.
1558 [amended ATM 6-8-15, art. 34]
1559

1560 Failure to pay the fine within 45 days from the billing date will result in court action for violation
1561 of a town bylaw or a municipal charges lien being placed on real property pursuant to M.G.L.
1562 Chapter 40, Section 58 in the Norfolk Registry of Deeds until the fine is paid.
1563

1564 **C. Audible Alarm**

1565 All alarm systems that emit an audible signal shall be equipped with a device for limiting the
1566 length of the audible signal to ten (10) minutes. Any user of an alarm system that either does
1567 not have such a device nor has a malfunction that allows the audible signal to continue for more
1568 than ten (10) minutes shall be assessed a fine in the amount specified in ART. 4.7, SECTION 7.B.
1569 Failure to pay such fine within forty-five (45) days of the billing date will result in either court
1570 action of a violation or a town bylaw or the placement of a municipal charges lien on the real
1571 property pursuant to M.G.L. 40, Section 58 in the Norfolk Registry of Deeds until the fine is paid.
1572 [amended ATM 6-8-15, art. 34]
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D. Exemptions

1. All federal, state and municipal buildings and property shall be exempt from the provisions of this bylaw.
2. No provision shall be construed to place an obligation on the Police Department to respond to an alarm.

E. Control and Curtailment of Signals Emitted by Alarm Systems

1. Every alarm system user shall submit to the Chief of Police the names and telephone numbers of at least two persons who are authorized to respond to an emergency transmitted by the alarm system, and who can open the premises wherein the alarm system is installed.
2. Any alarm system emitted a continuous and uninterrupted signal for more than twenty (20) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated under Paragraph E, Sub-paragraph 1. of this section which disturbs the peace, comfort, or repose of a community, a neighborhood, or a number of the inhabitants of the area where the alarm system is located, shall constitute a public nuisance.
3. Upon receiving complaint of such a continuous and uninterrupted signal, the Chief of Police, or his designee, shall endeavor to contact the alarm user or members of the alarm user's family or those persons designated by the alarm user under Paragraph E, Sub-paragraph 1. in an effort to abate the nuisance. If such efforts do not result in the silencing of the alarm within thirty (30) minutes of its activation, the Police Chief, or his designee, May, at the expense of the owner, order the alarm's deactivation using whatever means may be appropriate to the occasion.
4. The Police Chief shall cause to be recorded the names and addresses of all complainants, and the time of each complaint. (added 2/9/98)

ART. 5.10. SECTION 5. Code of Conduct and Dress

- A. The following acts of conduct or dress in or on premises licensed in accordance with the Mass. General Laws, Chapter 138, Sections 1, 12, 14, and 23 are deemed contrary to the public need, and to the common good, and therefore no license shall be held for the sale of alcoholic beverages to be served and/or drunk in or on the licensed premises where such acts, conduct or dress is permitted.
- B. It is forbidden to employ or permit any person in or on the licensed premises while such person is unclothed, or in such attire as to expose to view any portion of the areola of the female breast or any portion of the male and/or female genitals, pubic hair, buttocks or groin. Entertainers shall wear a nontransparent material which conceals the areola of the female breast.
- C. It is forbidden to employ or permit any hostess, waitress or other person to mingle with the patrons while such hostess, waitress or other person is unclothed or in such attire as would expose to view any portion of the areola of the female breasts or any portion of the male and/or female pubic hair, genitals, buttocks or groin.
- D. It is forbidden to encourage or permit any person in or on the licensed premises to touch, caress or fondle the breasts, buttocks or genitals of one's own person or of any other person.
- E. It is forbidden to employ or permit any person to wear or use any device, apparatus or covering exposed to view which simulates the breasts, buttocks, pubic hair or genitals or any portion thereof which would be a violation of Paragraph B. above.

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- F. It is forbidden to employ or permit any person to in or on the licensed premises to perform an act or acts, or to simulate the act or acts of:
 - i. sexual intercourse, masturbation, sodomy, flagellation, or any sexual acts prohibited by law;
 - ii. touching, caressing or fondling the breasts, buttocks, or genitals of another or one's own person.
 - G. It is forbidden to allow any entertainer to perform in or on the licensed premises, while in the course of his or her entertainment or performance, so to entertain or perform less than three (3) feet from any patron in or on the licensed premises.
 - H. It is forbidden to employ or permit any person in or on the licensed premises to show motion picture films, still photographs or any other photographic reproductions depicting any person or any acts or any simulation of any acts prohibited in Paragraphs B. through F. inclusive.
 - I. At all times the entire area of the premises must be continually illuminated to the degree of not less than one (1) foot candle (measured thirty (30) inches from the floor) except those portions of the room covered by furniture.
 - J. No employee and/or entertainer shall solicit, induce, or request a patron to purchase any alcoholic or non-alcoholic beverage for them or any other person. Nothing shall prohibit the above activity between any employee and/or entertainer and any person who are related by blood or marriage.
 - K. No devices, mechanical, electrical or otherwise, shall be utilized by any licensee or anyone for whose conduct said licensee is responsible, for the purpose of signaling employees, entertainers, and/or patrons that agents of licensing authorities or law enforcement authorities are present.
 - L. Notwithstanding any of the foregoing provisions of this bylaw, no person duly licensed by the Licensing Board of the Town of Wrentham under General Laws, Chapter 138, Section 1, 12, 14, or 23 shall employ, use the services of, or permit upon his licensed premises any employees, entertainer, or other person who by his or her attire or conduct violates any general law, special act or bylaw of Wrentham.
 - M. The penalty for any violation of this bylaw shall be in accordance with the applicable provisions of the General Laws, Chapter 40, Section 21.

1666 **ART. 5.10. SECTION 6. Demeanor and Conduct on Public Ways and Public Property**

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- A. No person shall leave any vehicle or material or place any obstruction in any sidewalk, street or public place and suffer the same to remain there over night without maintaining a sufficient light and suitable guards over or near the same throughout the night, nor allow the same to remain after notice from a police officer, constable or the selectmen to remove the same.
 - B. No person shall behave in an indecent or disorderly manner in any public place or on any street or sidewalk in the town or any public dwelling house or other buildings therein, or upon any doorstep, portico or other projection from any such house or other building to the annoyance or disturbance of any person; nor shall any person throw or drop in or upon any footpath, sidewalk, or highway in the town any metal, mineral or other thing that might or would be a source of annoyance or danger to anyone lawfully passing over or using the same.

- 1679 C. Three or more persons shall not stand in a group or near each other on any public way or
1680 sidewalk in such a manner as to obstruct a free passage for pedestrians after a request to move
1681 on made by any constable or police officer.
1682
- 1683 D. No person shall throw or deposit in any manner upon any public way, place or square in the town
1684 any article, substance or material which may prove injurious in any respect to the hoofs of
1685 animals, the tires of bicycles or the rubber tires of automobiles and other vehicles.
1686
- 1687 E. No person having the charge of a vehicle in any street shall neglect or refuse to stop the same as
1688 directed by a constable or police officer.
1689
- 1690 F. No person shall, without proper authority, intermeddle with or willfully break any arc lamp or
1691 lamp globe or incandescent lamps or any insulators or attachments used to carry power for
1692 electric street lighting or any parts of said lamps or globes or of the fixtures thereof placed or
1693 located within the limits of any public way or place in the town.
1694
- 1695 G. No person shall, without proper authority, intermeddle with or willfully break or injure any
1696 hydrant, gate, gate box, or water pipe placed or located within the limits of any public way or
1697 place in the town.
1698
- 1699 H. No person shall make any figures or write any obscene words upon any fence, building, or
1700 structure in any public place, or deface any sidewalk, tree, building or structure.
1701
- 1702 I. No person shall ride any horse or drive any horse or horses attached to a vehicle of any
1703 description in or upon any street or way for public travel at such an immoderate rate of speed as
1704 to injure or inconvenience any person standing, walking or riding therein.
1705
- 1706 J. No person shall, by any means or in any manner willfully frighten any horse; or play at any game
1707 in which a ball is used, or shoot with bows and arrows, air guns, fly any kites, or throw stones or
1708 other missiles in any street or any sidewalk.
1709
- 1710 K. No person shall skate or coast upon any sled upon any sidewalk or any street or public place
1711 except at such times and upon such streets or places as the selectmen may, by public notice,
1712 designate for such purpose.
1713
- 1714 L. No person shall discharge any gun, fowling piece, pistol or fire arm, or set fire to any material
1715 known as fireworks, or other combustible matter, or throw any such lighted fireworks in any of
1716 the public ways or streets of the town, except on such occasions and of such character and kind
1717 as the Board of Selectmen may, by public note, permit; provided however, this section shall not
1718 apply to any person in the exercise of a duty required or justified by law.
1719
- 1720 M. No person shall have more than one unregistered motor vehicle ungaraged on his premises in a
1721 residential district at any time. In no event will an unregistered, unsightly motor vehicle be
1722 stored in the front yard.
1723
- 1724 N. No person shall enter any real property under the control of the Board of Selectmen, the
1725 Department of Public Works, the School Department, the Conservation Commission or any other
1726 board or agency of the Town of Wrentham after having been forbidden to do so, whether
1727 personally or by notice posted thereon. (added STM 3/14/94)
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- 1729 O. No person shall violate any lawfully posted regulation of the Board of Selectmen regarding
1730 fishing, boating, bathing, skating and other recreational activities in or on Lake Archer, Mirror
1731 Lake and Lake Pearl.

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ART. 5.10. SECTION 7. Off-Road Vehicles

- A. No person shall use or operate a motorized off-road vehicle, including but not limited to, mini-bikes, all-terrain vehicles (ATV's), dirt bikes, snowmobiles or a similar motorized vehicle or motor bike which is eligible for registration under MGL Chapter 90B or any vehicles as described in MGL Chapter 90B section 20, or MGL Chapter 90, on any town owned property or private property, without prior written consent of the Town Authority or landowner having responsibility for the management of such property. Any such consent shall be temporary in nature, shall specify the period of time during which it is in force, and shall be subject to the prohibitions, restrictions and requirements of all Massachusetts General Laws.
- B. This bylaw will not restrict the use of properly registered vehicles or motor bikes on public roads or streets if they are in compliance of all Massachusetts General Laws. This bylaw will not be applicable to people who use recreational vehicles on their own property.
- C. Violators of this bylaw will be subject to a fine in the amount specified in ART. 4.7, SECTION 7.B. for a first offense and for a second and any subsequent offenses. [amended ATM 6-8-15, art. 34]

ART. 5.10. SECTION 8. Alcohol

- A. No person shall drink any alcoholic beverages as defined by Massachusetts General Laws, Chapter 138, Section 1, while on, in or upon any public way or way to which the public has access; any public park, playground or conservation area; or upon any private land or place without the consent of the owner or person in control thereof. A violation on this bylaw shall be deemed to be a breach of the peace.
- B. No person or entity holding a common victualler's license shall permit any patron to bring alcoholic beverages onto the licensed premises, or to consume alcoholic beverages on the licensed premises. However, a person or entity holding a common victualler's license may permit any patron to bring beer or wine onto the licensed premises, or to consume said beverage on said licensed premises subject to regulations promulgated by the Board of Selectmen. Any violation of this provision shall be punishable by a fine in the amount specified in ART. 4.7, SECTION 7.B., or by suspension, modification or revocation of the said common victualler's license. [amended ATM 6-8-15, art. 34]

ART. 5.10. SECTION 9. Public Consumption of Marijuana and Tetrahydrocannabinol (THC)

- A. No person shall smoke, ingest, possess or otherwise use or consume Marijuana or Tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended), while in or upon any public place or any place to which the public has a right of access including, but not limited to public ways, private ways, sidewalks, parking lots, parks and commons, playgrounds, recreation areas, beaches, boat landings, cemeteries, municipal buildings and schools and grounds or athletic fields thereto, or premises licensed by the Town and including any motor vehicle or bicycle or other passenger conveyance operated by a common carrier, when parked or moving upon any of the above places or locations.
- B. For the purpose of this ordinance, Marijuana and/or Tetrahydrocannabinol (THC) shall be any substance so defined by General Laws Chapter 94C Section 1, as amended.
- C. The enforcing person shall make a record of the incident, such record to include the following information (to the extent that it is available), name and address of the person violating the bylaw; date; time; motor vehicle registration number, if applicable; and location of the violation.
- D. This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by

1785 non-criminal disposition pursuant to G.L. c. 40, § 21D, by any police officer. Any person found to
1786 be in violation of this bylaw, or who refuses to give the above-noted information or if any
1787 information proves false, shall be liable to a fine in the amount specified in ART. 4.7, SECTION
1788 7.B. for each such violation. Any penalty imposed under this ordinance shall be in addition to any
1789 civil penalty imposed under G.L. c. 94C, § 32L. [amended ATM 6-8-15, art. 34]
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1791 **ART. 5.10. SECTION 10. Enforcement**

1792 Any officer of the Wrentham Police Department shall have the power to enforce the provisions of this
1793 article. Any person who violates any provision of this Article shall be subject to a penalty of \$100.00
1794 unless a particular fine is specified for such violation. Any officer taking cognizance of a violation of any
1795 provision of this article, as an alternative to initiating criminal proceedings, may give to the offender a
1796 written notice to appear before the Clerk of the Wrentham District Court at any time during office hours,
1797 not later than twenty-one days after the date of such notice. Such notice shall be served in the form and
1798 manner prescribed by General Laws, Chapter 40, Section 21D, and shall be subject to the procedure for
1799 disposition set forth therein.
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1801 **ART. 5.10. SECTION 11. Civil Fingerprinting**

1802 **A. Criminal History Check Authorization**

1803 The Wrentham Police Department shall, as authorized by Massachusetts General Laws Chapter 6,
1804 Section 172 B 1/2, conduct State and Federal Fingerprint Based Criminal History checks for
1805 individuals applying for the following licenses:
1806

- 1807 i. Hawking and Peddling or other Door-to- Door Salespeople
 - 1808 ii. Manager of Alcoholic Beverage License
 - 1809 iii. Owner or Operator of Public Conveyance
 - 1810 iv. Dealer of Second-hand Articles
 - 1811 v. Pawn Dealers
 - 1812 vi. Hackney Drivers
 - 1813 vii. Ice Cream Truck Vendors
 - 1814 viii. Tattoo Parlors
 - 1815 ix. Carnivals
- 1816

1817 At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that
1818 the fingerprints will be used to check the individual's criminal history records. The Police Chief
1819 shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which
1820 has issued an Informational Bulletin which explains the requirements for town bylaws and the
1821 procedures for obtaining criminal history information, to see if there have been any updates to be
1822 sure the Town remains in compliance.
1823

1824 Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the
1825 fingerprints it has obtained pursuant to this bylaw to the Identification Section of the
1826 Massachusetts State Police, the Massachusetts Department of Criminal Justice Information
1827 Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such
1828 agencies as may be necessary for the purpose of conducting fingerprint-based state and national
1829 criminal records background checks of license applicants specified in this bylaw.
1830

1831 The Town of Wrentham (Town) authorizes the Massachusetts State Police, the Massachusetts
1832 Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of
1833 Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based
1834 state and national criminal record background checks, including FBI records, consistent with this
1835 bylaw. The Town authorizes the Police Department to receive and utilize State and FBI records in
1836 connection with such background checks, consistent with this bylaw. The State and FBI criminal
1837 history will not be disseminated to unauthorized entities.

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Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority pursuant to this bylaw until it has taken the steps detailed in this paragraph. Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town as listed. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

The Board of Selectmen is authorized to promulgate regulations for the implementation of this, but in doing so it is recommended that they consult with the Chief of Police, Town Counsel and the Massachusetts Executive Office of Public Safety and Security (or its successor agency) to ensure that such regulations are consistent with the statute, the FBI's requirements for access to the national database, and other applicable state laws. [amended ATM 6-8-15, art. 35]

B. Use of Criminal Record by Licensing Authorities

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

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

C. Fees

The Chief of Police may fix a fee, in accordance with Article 4.10. Section 6. of these bylaws, to be charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks.

ART. 5.10. SECTION 12. Other

- A.** No person shall distribute or deposit advertising circulars, papers, or other matter on the streets of the town or shall team manure, hay, rubbish, ashes, liquid or other material in such manner as to litter, pollute or injure the streets of the town.

1890 **ART. 5.10. SECTION 13. Marijuana Establishments Prohibited**

1891
1892 The operation of any commercial or recreational marijuana establishment, as defined in MGL, Chapter
1893 94G, Section 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana
1894 product manufacturer, marijuana retailer or any other type of licensed marijuana-related business within
1895 the Town is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana
1896 for medical purposes licensed under Chapter 369 of the Acts of 2012. [STM 11-13-17, art. 14]

1897
1898
1899 **ARTICLE 5.20. Animal Control**

1900 [STM 9/26/94; amended ATM 6-10-13, art. 25]

1901
1902 **ART. 5.20. SECTION 1. Definitions**

- 1903 **A.** Animal: Every non-human species of animal, both domestic and wild, living or deceased.
- 1904
- 1905 **B.** Animal Control Officer: Any officer appointed by the Town Administrator to enforce this bylaw.
1906 [amended ATM 6-8-15, art. 33]
- 1907
- 1908 **C.** Animal Shelter: Any facility or kennel operated by a human society, the Town, or its authorized
1909 agents, for the purpose of impounding animals under the authority of this bylaw or state law for
1910 care, confinement, return to owner, adoption or euthanasia.
- 1911
- 1912 **D.** At Heel: Any dog under complete control of a person of adequate age and discretion to control
1913 its actions as adequately as a dog that is on a leash or lead.
- 1914
- 1915 **E.** At Large: Any dog that is not in care and control or its owner or keeper, or that is otherwise able
1916 to move at will without restraint or control as to property lines or areas.
- 1917
- 1918 **F.** Care and Control: A dog shall be considered in care and control while it is on the premises of it's
1919 owner or keeper; or while the dog is on the premises of another person with knowledge and
1920 permission of the owner or occupant of such premises; or while the dog is on any public way, or
1921 any private way to which the public has access, if it is at heel or on a leash or lead. Such leash
1922 or lead shall be suitable to prevent the dog from being at large, or to prevent the dog from
1923 becoming a public nuisance.
- 1924
- 1925 **G.** Dangerous Dog: A dog that either: (i) without justification, attacks a person or domestic animal
1926 causing physical injury or death; or, (ii) behaves in a manner that a reasonable person would
1927 believe poses an unjustified imminent threat of physical injury or death to a person or to a
1928 domestic or owned animal.
- 1929
- 1930 **H.** Dog: Any animal of the canine genus.
- 1931
- 1932 **I.** Keeper: Any person, corporation or society, other than the owner having possession of a dog.
- 1933
- 1934 **J.** Kennel: A pack or collection of dogs on a single premise, whether maintained for breeding,
1935 boarding, sale, training, hunting or other purposes and including any shop where dogs are on
1936 sale, and also including every pack or collection of more than four dogs three months old or over,
1937 owned or kept by a person on a single premise, irrespective of the purpose for which they are
1938 maintained. [amended STM 11-10-14, art. 12]
- 1939
- 1940 **K.** Licensing Period: The time between January 1st of any year to December 31st of the same year,
1941 both dates inclusive.
- 1942

- 1943 L. Owner: Any person, partnership, or corporation, in whom is vested the ownership, dominion, or
- 1944 title of one or more animals.
- 1945
- 1946 M. Public Nuisance: The term "public nuisance" as used in this bylaw shall mean and include, but is
- 1947 not limited to any dog that:
- 1948
- 1949 i. is in violation of SECTION 4.; or
- 1950
- 1951 ii. damages the property of anyone other than its owner or keeper, including, without
- 1952 limitation, by depositing fecal matter on such property unless the owner or keeper of such
- 1953 dog shall immediately remove and dispose of such fecal matter; or molests or intimidates
- 1954 pedestrians or passersby; or
- 1955
- 1956 iii. has bitten, attacked or harassed other domestic animals, including livestock or fowl; or
- 1957
- 1958 iv. by reason of habitual or frequent howling, barking, whining, or other utterances disturbs
- 1959 the peace and quiet of any person of ordinary sensibilities who is a neighbor or in close
- 1960 proximity to the premises where the dog is kept or harbored, or by excessive barking or
- 1961 other disturbance is a source of annoyance to a sick person residing in the vicinity; or
- 1962
- 1963 v. is a dangerous dog; or,
- 1964
- 1965 vi. has been found by the Board of Selectmen, after notice to its owner or keeper and public
- 1966 hearing, to be public nuisance by virtue of being a menace to public health, safety, or
- 1967 welfare.
- 1968
- 1969 N. Secure Enclosure: A secure enclosure is a physical structure adequate to prevent an animal from
- 1970 escaping its boundaries and preventing others from entering the space inside it. An "electric
- 1971 fence: (i.e. a system that operates to restrain a dog by administering an electric shock through a
- 1972 collar attachment when the dog crosses the perimeter) shall not be deemed a secure enclosure."
- 1973

1974 **ART. 5.20. SECTION 2. Licenses and Tags**

1975 The Town Clerk shall issue dog licenses and tags. Subject to the authorization of the Board of

1976 Selectmen, the Town may permit the licensing to be conducted through the mail. On the license form

1977 the Clerk shall record the name, address, and phone number, of the owner or keeper of the dog, and the

1978 name, breed, color, date of birth and description of the dog. Each tag issued will be valid for the specific

1979 animal described on the form, and is not transferable. The tag will include the license number, the

1980 phrase "Town of Wrentham," and the year of issue.

1981

1982 The Board of Selectmen shall fix reasonable fees for dog licenses and tags. The license fee for a spayed

1983 or neutered dog shall be less than the license fee for an intact dog. The fee for each dog license may be

1984 periodically adjusted by the Town Clerk for the following year's license period prior to October 1st of any

1985 year. In addition to his/her regular salary, the Town Clerk shall retain \$1.50 from the license fee for each

1986 license issued.

1987

1988 No license fee or portion thereof shall be refunded because of the subsequent death, loss, spaying or

1989 removal from the commonwealth or other disposal of the dog, nor shall a license fee or portion thereof

1990 paid by mistake be paid or recovered after it has been paid over to the town.

1991

1992 A person residing in the Town of Wrentham, who becomes the owner or keeper of a dog six (6) months

1993 old or over, shall cause the dog to be vaccinated for rabies and licensed with sixty (60) days. The owner

1994 or keeper of a dog shall cause each dog, when off the premises of such owner or keeper, to wear around

1995 its neck or body a collar or harness to which he shall securely attach the license tag. In the event of loss

1996 of tag, a substitute tag will be issued by the Clerk for the cost of the tag as designated by the Board of
1997 Selectmen. Any owner or keeper of a dog who moves into the Town of Wrentham, and has a valid
1998 current dog license from another municipality in the Commonwealth of Massachusetts, may obtain a dog
1999 license upon the forfeiture of the old license and payment of a fee to be set by the Board of Selectmen.
2000

2001 The Town Clerk shall not issue a license for any dog unless the owner or keeper provides the Clerk with a
2002 veterinarian's certificate verifying that the dog is currently vaccinated against rabies.
2003

2004 Upon presentation to the Clerk of a certificate of training, no fee shall be charged for a dog specially
2005 trained to lead or serve a visually or hearing impaired person.
2006

2007 The provisions of this section shall not apply to any pet shop licensed by the Commonwealth under the
2008 authority of G.L. c. 129, 39A.
2009

2010 Whoever violates the provisions of this bylaw subsection, or fails to license their dog before the last day
2011 in February of the licensing period, shall be subject to a fine in the amount specified in ART. 4.10,
2012 SECTION 7. B. of these bylaws. An owner, who does not register their dog by May 1st of the licensing
2013 period, shall be charged an additional collection fee in the amount specified in ART. 4.10, SECTION 7. C.
2014 of these bylaws. [amended ATM 6-4-18, art. 14]
2015

2016 **ART. 5.20. SECTION 3. Vaccinations of Dogs and Cats Against Rabies**

2017 The owner or keeper of a dog or cat six months of age or older, shall cause the dog or cat to be properly
2018 vaccinated against rabies by a licensed veterinarian as is required under MGL Chapter 140, Section 145b.
2019 Upon vaccination, the veterinarian shall issue a tag, which the owner shall secure to a collar or harness.
2020 The tag shall show the year the vaccination was given, the rabies tag number, and the name of the
2021 veterinary clinic or hospital.
2022

2023 **ART. 5.20. SECTION 4. Restraint and Confinement Required**

2024 The owner or keeper of a dog shall maintain said dog in care and control. The owner or keeper of a dog
2025 shall not allow or permit said dog to run at large in any of the streets or public ways or places within the
2026 confines of the Town of Wrentham, or upon the premises of anyone other than the owner or keeper
2027 unless the owner or occupant of such premises expressly grants permission. The owner or keeper of a
2028 dog shall not allow or permit such dog, even though at heel or secured by suitable leash or lead, on
2029 private property unless the owner or occupant of such private property grants permission. The owner or
2030 keeper of a dog shall not allow or permit said dog to become a public nuisance in the Town of
2031 Wrentham. Nothing in this paragraph shall be construed to restrict the use of dogs for lawful hunting or
2032 the use of certified dogs to assist the visually or hearing impaired.
2033

2034 The owner or keeper of a vicious dog shall keep it confined in a secure enclosure or on a leash or lead
2035 accompanied by its owner or keeper.
2036

2037 No person owning or keeping a dog shall chain or tether a dog to a stationary object including, but not
2038 limited to, a structure, dog house, pole or tree for longer than 24 consecutive hours.
2039

2040 Stray dogs will be impounded. If the owner is known, notice shall be given to such owner. Strays will be
2041 detained by the Animal control Officer for 7 days.
2042

2043 The owner or keeper of a dangerous dog shall keep it confined in a secure enclosure, or on a leash or
2044 lead and accompanied by its owner or keeper.
2045

2046 No person over the age of 17 who has actual knowledge that a dog has been deemed dangerous shall
2047 permit a child under the age of 17 to own, possess or have the care or custody of such dog.
2048

2049 **ART. 5.20. SECTION 5. Violations/Penalties and Complaints as to Dogs**
2050 The Animal Control Officer, any Police Officer of the Town of Wrentham, or any other person so
2051 appointed by the Town Administrator may assess fines upon the owner or keeper of any dog found to be
2052 a public nuisance, or found to be in violation of Section 4, in the amount specified in ART. 4.7, SECTION
2053 7.B. [amended ATM 6-9-15, art. 33 and 34]

2054
2055 All fines and penalties under this bylaw shall be assessed in the manner provided in M.G.L. c.40, section
2056 21D.

2057
2058 The provisions of M.G.L. c.140, 157, concerning complaints as to dogs shall be followed as if said section
2059 was fully set forth herein.

2060
2061 After the assessment of three fines on any dog, any person or persons offended by such dog may make a
2062 complaint in writing to the Board of Selectmen. The Board of Selectmen shall investigate or cause to
2063 investigate such complaint under the provisions of G.L. c. 140, 157, and may, after a public hearing make
2064 any order as they deem necessary, including the removal, restraint, or euthanasia (destruction) of such
2065 dog.

2066
2067 **ART. 5.20. SECTION 6. Impoundment**

2068 The provisions of M.G.L. c. 140, 151A, shall be followed as if said section was fully set forth herein.

2069
2070 Additionally, the Animal Control Officer or any other person appointed by the Town Administrator may
2071 apprehend any dog that is found at large, and impound such animal at an authorized animal shelter, such
2072 animal to be held, adopted, or euthanized as described in M.G.L. c.140, 151A. [amended ATM 6-8-15,
2073 art. 33]

2074
2075 The Officer who impounds any dog shall comply with the provisions of M.G.L. c.140, 151A.

2076
2077 The Officer having custody of a confined dog shall be allowed a service fee for each day such dog is
2078 impounded, payable by the owner or keeper of such dog, if known. The service fee is to be set by the
2079 Animal Control Officer, subject to the approval of the Board of Selectmen.

2080
2081 An owner or keeper of any dog so impounded for violation of this bylaw, shall in addition to any
2082 applicable fees and penalties, pay to the town of Wrentham a boarding charge of not less than ten
2083 dollars per day while such dog is impounded, nor more than the actual cost to the Town of Wrentham for
2084 the boarding and care of such animal in any commercial kennel or animal hospital.

2085
2086 The owner or keeper of a dog so impounded may claim the dog as provided by law, upon the following:

- 2087
- 2088 i. The owner or keeper pays all fines, boarding and other fees;
 - 2089 ii. The owner or keeper gives his/her name, address, and date of birth; and,
 - 2090 iii. The owner or keeper presents a valid dog license and certificate of rabies vaccination. If the dog
2091 does not have a current rabies vaccination, owner or keeper must present a receipt from a
2092 licensed veterinarian showing prepayment of a rabies vaccination.
2093
2094
2095

2096 **ART. 5.20. SECTION 7. Kennel License**

2097 A person maintaining a kennel shall obtain a kennel license upon written application to the Town Clerk.
2098 The Board of Selectmen shall fix reasonable fees for kennel licenses. The fee for a kennel license may be
2099 periodically adjusted by the Board of Selectmen. Each kennel shall be available for inspection by the
2100 Animal Control Officer, a Police Officer, or the Wrentham Board of Health at any time, to ascertain
2101 compliance with all state and local laws and bylaws.

2102
2103 The Town Clerk shall issue a kennel license without charge to any charitable corporation, incorporated
2104 exclusively for the purpose of protecting animals from cruelty, neglect, or abuse, and for the relief of
2105 suffering animals.
2106
2107 A veterinary clinic within the Town of Wrentham shall not be considered a commercial kennel, unless it
2108 contains an area for grooming or selling of dogs, or for boarding or dogs for other than medical purpose.
2109
2110 Any person or corporation maintaining a kennel for thirty days without the proper license, shall be in
2111 violation of this provision.
2112
2113 Whoever violates any provision of this bylaw subsection shall be punished by a fine in the amount
2114 specified in ART. 4.7, SECTION 7.B., payable to the Town of Wrentham. [amended ATM 6-9-15, art. 34]
2115
2116 **ART. 5.20. SECTION 8. Emergency Fees for Dogs and Cats Injured in Public Ways**
2117 Any veterinarian who renders emergency care or treatment to, or disposes of any dog or cat injured on
2118 any public way in the Town of Wrentham, shall receive payment of reasonable costs from the owner of
2119 such dog or cat, if known, or if not known, shall receive a fair and reasonable sum not to exceed fifty
2120 dollars (\$50) without approval of the Board of Selectmen from the Town of Wrentham for such care,
2121 treatment and/or disposal.
2122
2123 Care treatment, and/or disposal shall be for the purpose of maintaining life, stabilizing the animal, or
2124 alleviating pain or suffering until the owner of such dog or cat is identified, or for a period of twenty-four
2125 hours, whichever is sooner. Any veterinarian who renders such emergency care of treatment to, or
2126 euthanizes, or disposes of such dog or cat, shall notify the Animal Control Officer in Wrentham, and upon
2127 notification, the Animal Control Officer shall assume control of such dog or cat.
2128
2129 **ART. 5.20. SECTION 9. Applicable Statutes**
2130 All references to the Massachusetts General Laws in this bylaw are those in effect as of August 31, 2012.
2131 Any amendment to the statues incorporated by reference into this bylaw shall not apply, unless its
2132 application is mandatory.
2133
2134 **ART. 5.20. SECTION 10. Hearings [reserved]**
2135
2136
2137 **ARTICLE 5.30. Fire Department**
2138
2139 **ART. 5.30. SECTION 1. Licenses and Registration Fees for Flammables**
2140 The fee to be charged for any license or registration as required by Chapter 148, Section 13 of the Mass.
2141 General Laws applicable to the keeping, storage, manufacture or sale of gunpowder, dynamite, crude
2142 petroleum or any of its' products, or explosive or inflammable fluids or compounds or other articles
2143 covered by Chapter 148, Section 9 of the Mass. General Laws in the amount specified in ART 4.70,
2144 SECTION 7. A. [amended ATM 6-8-15, art. 34]
2145
2146
2147 **ARTICLE 5.40. Emergency Management [reserved]**
2148
2149
2150 **ARTICLE 5.50. Communications [reserved]**
2151
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2153

TITLE VI. PUBLIC WORKS

ARTICLE 6.10. DPW, General [reserved]

ARTICLE 6.20. DPW, Highways

ART. 6.20. SECTION 1. Snow Removal

- A. The Superintendent of Streets, for the purpose of removal or plowing snow, or removing ice, from any way, by employees of the town or with such other assistance as he may require, may remove or cause other than an employee of in the service of the Town of Wrentham or an employee in the service of an independent contractor acting for the town shall pile, push or shovel snow or ice into a road so as to impede the flow of traffic on such way. Whoever violates this section shall be punished by a fine of not more than one hundred dollars. (added STM 3/14/94) (a.12, s. 7, para. 5)

ART. 6.20. SECTION 2. Excavating in Public Ways

- A. No person, other than a duly authorized officer or employee, shall dig a trench or lay a pipe in, or in any way disturb the earth or materials on, in or under any street or public way without a permit in writing given by the Superintendent of Public Works upon application by said person made to said Board; and whenever such a permit is so issued, the person or persons to whom it shall be issued shall, whenever a pipe, drain or any other structure is placed in, along or under such a street or public way, file with said Board a plan of the same showing the location and elevation of such pipe, drain or other structure. (a. 12, s. 12, paragraph C.)
- B. Prior to digging within any public way in the Town of Wrentham, an excavation permit must be obtained from the Wrentham Public Works Department. The Wrentham Police Department and DIG SAFE (1-800-322-4844) must be notified in writing at least 72 hours prior to excavating. In the event of an emergency excavation, DIG SAFE, the Wrentham Public Works Department, and the Wrentham Police Department shall be notified at the time, and the excavation permit shall be applied for no later than 48 hours after the fact.
- C. The excavation permit fee to be submitted with the application shall be in the amount specified in ART. 4.7, SECTION 7.A. [amended ATM 6-8-15, art. 34]
- D. The application form shall be completed in full and signed by the applicant along with a sketch of the excavation and its relevant utilities, location, details, etc.
- E. To guarantee proper replacement of the excavation including surface treatment, applicants for excavation permits shall be required to post a cash deposit or certified check based upon the amounts specified in ART. 4.7, SECTION 7.C. [amended ATM 6-8-15, art. 34]

The deposit is to be determined by the public works superintendent. A minimum deposit of two hundred dollars (\$200.00) shall be required to be submitted with the permit application. The Town of Wrentham Public Works Department shall be exempt from the permit fee and deposit. If based upon the price schedule in 4A, the deposit will exceed three thousand dollars (\$3,000.00), a cash deposit of three thousand (\$3,000.00) and a bond for the balance will be acceptable. Should the applicant anticipate a number of street openings for utility services or repairs during the course of a calendar year, the public works superintendent may at his discretion accept a blanket deposit of three thousand dollars (\$3,000.00).

- 2206 F. If the applicant does any work contrary to this bylaw or the regulations governing street
2207 excavations as adopted by the Wrentham Board of Selectmen, and after being notified of same,
2208 fails to correct such work, the Wrentham Public Works Department may seize the cash deposit
2209 and/or bond to correct or complete such work and the applicant shall be liable for all costs
2210 incurred.
- 2211
- 2212 G. The superintendent of public works may issue such permits subject to such conditions as he
2213 deems necessary or desirable to protect the public safety and property of the Town of Wrentham
2214 and to secure the full performance of the work by the permittee.
- 2215
- 2216 H. The Wrentham Board of Selectmen shall promulgate such regulations as it deems necessary to
2217 direct the applicant in the proper execution of street excavations.
- 2218
- 2219 I. The superintendent of public works shall have the authority to enforce the provisions of this
2220 article. Any person who violates any provision of this article shall be subject to a penalty in the
2221 amount specified in ART. 4.7, SECTION 7.B. Each day such violation continues shall be a
2222 separate offense and the permittee will no longer be allowed to excavate in a public way. The
2223 superintendent, upon taking cognizance of a violation of any provision of this article, as an
2224 alternative to initiating criminal proceedings, may give to the offender a written notice to appear
2225 before the Clerk of the Wrentham District Court not later than twenty-one days after the date of
2226 such notice. Said notice shall be served in the form and manner prescribed by GLC 40, Section
2227 2ID and shall be subject to the procedure for disposition set forth therein. [amended ATM 6-8-15,
2228 art. 34]
- 2229
- 2230 J. Except for emergencies, no permits for excavating within a public way shall be issued between
2231 December 1 and March 15.
- 2232

2233 **ART. 6.20. SECTION 3. Plans of Town Ways**

2234 (Refer to **ARTICLE 3.50. SECTION 2.2.**)

2236 **ART. 6.20. SECTION 4. Scenic Roads**

2237 (Refer to **ARTICLE 7.12. SCENIC ROADS**)

2239 **ART. 6.20. SECTION 5. Other**

- 2240 A. No person shall, without proper authority, extinguish or remove any light placed to denote an
2241 obstruction or defect in a street or way.
- 2242
- 2243 B. No person shall suffer or permit the growth of trees, bushes or other vegetation on his or her
2244 property in a manner that obstructs safe sight distance at any intersection of public or private
2245 ways or interferes with a pedestrian's use of a public walkway. If any person fails to remove
2246 such vegetation within 14 days after being requested to do so in writing by the Superintendent of
2247 Public Works, the Superintendent or his or her designee may enter the property and remove such
2248 vegetation, as provided in General Law, Chapter 87, Section 5, and may collect the reasonable
2249 costs of such work from the owner of the property. (a. 12, s. 12, paragraph H.)
- 2250

2252 **ARTICLE 6.30. DPW, Water**

2254 **ART. 6.30. SECTION 1. Water Extension**

2255 When any extension of the water system is requested on a new development or private way, the Water
2256 Commissioners shall require that, before such extension is made, a bond shall be given to the town in
2257 such amount and form and with such sureties as the commissioners and selectmen shall approve,
2258 conditioned that the obligors shall pay the entire cost of the water extension.

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ART. 6.30. SECTION 2. Water System Demand Fee

The Board of Selectmen, acting as the Board of Public Works, shall establish and maintain a water system demand fee for all new entrants to the Town's water distribution system, such fee to be set at an amount reasonably calculated to defray the cost of such capital additions or improvements to such system as will be required to serve increased numbers of users. Once such fee is established, whenever established, it shall not be waived by the Selectmen, in whole or in part, for any user or class of users without the prior authorization of town meeting. (added STM 2/27/95)

ART. 6.30. SECTION 3. Backflow Prevention

In order to comply with the Drinking Water Regulations of Massachusetts, 310CMR, Section 22, the Town of Wrentham shall charge a fee in the amount specified in ART. 4.7, SECTION 7.A., or such other fee as the Commonwealth may prescribe, for each test of any testable backflow prevention device required by said regulations. [amended ATM 6-8-15, art. 34]

ART. 6.30. SECTION 4. Water Use Restriction [added STM 11-14-16, art. 16]

A. Authority

This bylaw is adopted by the Town of Wrentham under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and pursuant to its powers under M.G.L. c.40, §§ 21 et seq. 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 under G.L. c. 21G, §§ 15-17. This bylaw is also intended to implement other water conservation requirements of M.G.L. c. 21G, the "Massachusetts Water Management Act," and its regulations promulgated at 310 CMR 36.00.

B. Purpose

The purpose of this bylaw is to protect, preserve and maintain the public health, safety, welfare and the environment whenever there is in force a "State of Water Supply Conservation" or a "State of Water Supply Emergency" by ensuring an adequate supply of water for drinking and fire protection and to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands. This purpose will be accomplished by providing for the imposition and enforcement of any duly implemented restrictions, requirements, provisions or conditions on water use imposed by the Town in accordance with this bylaw and/or by the Department of Environmental Protection under its state law authorities.

C. Applicability

All users of the public water supply system of the Town of Wrentham and private well users within the Town of Wrentham shall be subject to this bylaw. This bylaw shall be in effect year round.

D. Definitions

Agriculture shall mean farming in all its branches as defined at M.G.L. c. 128, § 1A.

Automatic sprinkler system shall mean any system for watering vegetation other than a hand-held hose or a bucket.

Department shall mean the Department of Environmental Protection.

Nonessential outdoor water use shall mean those uses that are not required:

1. for health or safety reasons;
2. by regulation;

- 2312 3. for the production of food and fiber;
2313 4. for the maintenance of livestock; or
2314 5. to meet the core functions of a business (for example, irrigation by golf courses as necessary
2315 to maintain tees and greens, and limited fairway watering, or irrigation by plant nurseries or
2316 agricultural operations as necessary to maintain stock or establish new plantings, wash
2317 equipment to prevent damage and/or maintain performance, pest management and plant
2318 cooling).

2319
2320 **Nonessential outdoor water uses** that are subject to mandatory restrictions include:

- 2321 • irrigation of lawns via sprinklers or automatic irrigation systems;
- 2322 • washing of vehicles, except in a commercial car wash or as necessary for operator safety or
2323 to prevent damage and/or maintain performance of agricultural or construction vehicles or
2324 equipment; and
- 2325 • washing of exterior building surfaces, parking lots, driveways or sidewalks, except as
2326 necessary to apply paint, preservatives, stucco, pavement or cement.

2327
2328 **Exceptions to nonessential outdoor water uses** are:

- 2329 • irrigation of public parks and recreation fields outside the hours of 7 AM to 7 PM and;
- 2330 • irrigation of lawns, gardens, flowers and ornamental plants by means of a hand-held hose
2331 outside the hours of 7 AM to 7 PM and;
- 2332 • irrigation with harvested and stored stormwater runoff.

2333
2334 The following outdoor water uses are subject to review and approval by The Town, through its
2335 Board of Selectmen or its designee:

- 2336 • irrigation to establish replanted or re-sodded lawn or plantings during the months of May and
2337 September;
- 2338 • irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes
2339 or businesses newly constructed in the previous twelve months; and
- 2340 • filling of privately owned outdoor pools.

2341
2342 Person shall mean any individual, corporation, trust, partnership, association, agency or
2343 authority, or other entity and any officer, employee, group or agent of such persons.

2344
2345 State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the
2346 Department under M.G.L. c.21G, §§ 15-17.

2347
2348 State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by
2349 the Town pursuant to paragraph E of this bylaw.

2350
2351 Water Customers shall mean all persons using the public water supply irrespective of that
2352 person's responsibility for billing purposes for use of the water.

2353
2354 Water Users shall mean all persons using water within the Town, including users of private wells.

2355
2356 **E. Declaration of a State of Water Supply Conservation**

2357 The Town, through its Board of Selectmen or its designee authorized to act as such, may declare
2358 a State of Water Supply Conservation upon a determination that conservation measures are
2359 appropriate to ensure an adequate supply of water for drinking and fire protection, to protect the
2360 quality and quantity of water in local aquatic habitats such as ponds, rivers and wetlands and to
2361 ensure compliance with the Water Management Act and the Town's Water Withdrawal Permit.
2362 Upon notification to the public that a declaration of a State of Water Supply Conservation has
2363 been declared, no person shall violate any provision, restriction, requirement or condition of the
2364 declaration. The Board of Selectmen may designate the Public Works Superintendent or Town

2365 Administrator to declare a State of Water Supply Conservation at any time that conditions
2366 warrant. Public notice of a State of Water Conservation shall be given under paragraph H of this
2367 bylaw before it may be enforced.
2368

2369 **F. Declaration of a State of Water Supply Emergency**

2370 Upon notification to the public that a declaration of a State of Water Supply Emergency has been
2371 issued by the Department, no person shall violate any provision, restriction, requirement,
2372 condition of any order approved or issued by the Department for the purpose of bringing about
2373 an end to the State of Water Supply Emergency.
2374

2375 **G. Restricted Water Uses**

2376 A declaration of a State of Water Supply Conservation and/or a State of Water Supply Emergency
2377 shall include one or more of the following restrictions, conditions, or requirements limiting
2378 nonessential outdoor water use by Water Users as necessary to control the volume of water
2379 pumped each day, except as provided as acceptable in paragraph D. The applicable restrictions,
2380 conditions or requirements shall be included in the public notice required under paragraph H.
2381

- 2382 1) Nonessential outdoor water use days: nonessential outdoor water use is permitted only on
2383 the days per week specified in the State of Water Supply Emergency or State of Water
2384 Supply Conservation and public notice thereof. During a State of Water Supply Emergency
2385 or State of Water Supply Conservation, nonessential outdoor water use is restricted to two
2386 days or fewer per week.
2387
- 2388 2) Nonessential outdoor water use hours: nonessential outdoor water use is permitted only
2389 during the hourly periods specified in the declaration of a State of Water Supply Emergency
2390 or State of Water Supply Conservation and public notice thereof. At a minimum,
2391 nonessential outdoor water use is prohibited during the hours from 9 AM to 5 PM.
2392
- 2393 3) Nonessential outdoor water use method restriction: nonessential outdoor water use is
2394 restricted to a bucket or hand-held hose controlled by a nozzle.
2395
- 2396 4) Nonessential outdoor water use ban: Nonessential outdoor water use is prohibited at all
2397 times.
2398
- 2399 5) Automatic sprinkler system ban: The use of automatic sprinkler systems is prohibited.
2400

2401 **H. Public Notification of a State of Water Supply Conservation or State of Water Supply
2402 Emergency; Notification of DEP**

- 2403 1) Public Notification of a State of Water Supply Conservation – Notice to the public of all
2404 provisions, including all restrictions, requirements and conditions imposed by the Town as
2405 part of a State of Water Supply Conservation shall be made as soon as possible, but no later
2406 than 48 hours following the declaration of a State Water Supply Conservation by publication
2407 on the town web site and by signage on major roadways or intersections or by such other
2408 means reasonably calculated to reach and inform all water users of the state of water supply
2409 conservation.” The Town may also notify the public using other means determined to be
2410 appropriate (cable TV, reverse 911, email, etc.). Notification may also include email, public
2411 service announcements on local media or other such means reasonably calculated to reach
2412 and inform all Water Users of the State of Water Supply Conservation.
2413
- 2414 2) Public Notification of a State of Water Supply Emergency – Notice to the public of all
2415 provisions, including all restrictions, requirements and conditions imposed by a State of
2416 Water Supply Emergency declared by the Department shall be made by publication on the
2417 town web site and by signage on major roadways or intersections. The Town may also notify

2418 the public using other means determined to be appropriate (cable TV, reverse 911, email,
2419 etc.). Notification may also include email, Web sites, public service announcements on local
2420 media or other such means reasonably calculated to reach and inform all Water Users of the
2421 State of Water Supply Emergency. This notice shall be provided as soon as possible, but no
2422 later than 48 hours after the public water system receives notice of the Department's
2423 declaration of a State of Water Supply Emergency.
2424

- 2425 3) Any restriction imposed under paragraph E or paragraph F or in the Department's State of
2426 Water Supply Emergency or Order shall not be effective until notification to the public is
2427 provided. Submittal of MassDEP's form "Notification of Water Use Restriction" shall be
2428 provided to the Department within 14 days of the effective date of the restrictions, per
2429 MassDEP regulations (310 CMR 22.15(8)).
2430

2431 **I. Termination of a State of Water Supply Conservation; Notice**

2432 A State of Water Supply Conservation may be terminated by a majority vote of the Board of
2433 Selectmen or by decision of its designee upon a determination by either or both of them that the
2434 conditions requiring the State of Water Supply Conservation no longer exist. Public notification of
2435 the termination of a State of Water Supply Conservation shall be given in the same manner as is
2436 required in paragraph H[1]) for notice of its imposition.
2437

2438 **J. Termination of a State of Water Supply Emergency; Notice**

2439 Upon notification to the Town that the declaration of a State of Water Supply Emergency has
2440 been terminated by the Department, the public will be notified of the termination in the same
2441 manner as is required in paragraph H[2]) for notice of its imposition.
2442

2443 Each day of violation shall constitute a separate offense. Fines shall be recovered by complaint
2444 before the District Court, by non-criminal disposition in accordance with G.L. c. 40 § 21D, or by
2445 assessment upon a Water Customer's water bill. For purposes of non-criminal disposition, the
2446 enforcing person shall be any police officer of the town or the Public Works Superintendent or the
2447 superintendent's designee. If a State of Water Supply Emergency has been declared the Water
2448 Commissioners may, in accordance with G.L. c. 40, § 41A, shut off the water at the meter or the
2449 curb stop.
2450

2451 **K. Severability**

2452 The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or
2453 provision thereof.
2454

2455 **L. Penalties**

2456 The Town through its Water Commissioners or its designee including the Public Works
2457 Superintendent, Building Inspector and/or local Police may enforce this bylaw. Any person
2458 violating this bylaw shall be liable to the Town in the amounts listed in ART. 4.10, SECTION 7. A
2459 [amended STM 11-13-17, art 13].
2460

2461
2462 **ARTICLE 6.40. DPW, Buildings and Facilities**
2463

2464 **ART. 6.40. SECTION 1. Control of Town Buildings**

2465 The Town Administrator shall have control of the town buildings, including the land on which the same
2466 are erected, and the plants by which the buildings are heated and ventilated, except for school buildings,
2467 which shall be under the control of the School Committee, and of the Fiske Public Library, which shall be
2468 under the control of the trustees of the Fiske Public Library. [amended ATM 6-8-15, art. 33]
2469

2470 **ART. 6.40. SECTION 2. Placement or Removal of Buildings on Town Land**
2471 No building or structure of a permanent nature may be constructed or placed upon or removed from any
2472 town lands unless authorized by vote of the public body having control over the same, which vote shall
2473 be preceded by a public hearing, after fourteen days' notice having been given by advertisement in a
2474 newspaper of general circulation with the town of Wrentham. This provision shall be in addition to any
2475 other requirements under the Wrentham Bylaws and Zoning Bylaws or Massachusetts General Laws.

2476
2477
2478 **ARTICLE 6.50. DPW, Solid Waste and Recycling**

2479
2480 **ART. 6.50. SECTION 1. Mandatory Recycling**
2481 Effective Date: These regulations shall take effect on January 1, 2002, pending approval by the Attorney
2482 General.

2483
2484 **A. Purpose**
2485 In order to protect the environment, promote recycling, and be in compliance with Massachusetts
2486 mandated waste bans, the Town of Wrentham hereby establishes a program for mandatory
2487 separation of recyclable and compostable materials from the solid waste stream by all owners
2488 and tenants of all residential multifamily, commercial, municipal and institutional structures in the
2489 Town, as delineated in Massachusetts General Law, Chapter 40, Section 8H.

2490
2491 **B. Applicability**
2492 The following regulations shall apply to owners and tenants of all residential, multifamily,
2493 commercial, municipal and institutional structures in the Town of Wrentham and also to waste
2494 haulers duly licensed by the Town.

2495
2496 **C. Definitions**
2497 1. Agent/Assignee: Person, business, or Town Board designated and authorized by the board
2498 of Selectmen to act on their behalf.
2499
2500 2. Commercial/Business: any building, including but not limited to; those used for retail,
2501 wholesale, industrial, manufacturing, dining, offices, professional services, automobile
2502 service, hotels and motels, restaurants, or shipping and receiving areas.
2503
2504 3. Hazardous Waste: any waste or material, in any amount, which is defined, characterized or
2505 regulated as hazardous by or pursuant to Federal or State laws, or any waste or material, in
2506 any amount, which is so regulated under Federal or State laws. For purposes of this bylaw,
2507 the term "Hazardous Waste" shall also include motor oil, gasoline, oil-based paint, asbestos,
2508 and ammunition.
2509
2510 4. Institutional: an establishment dedicated to public service or culture, including but not
2511 limited to, educational, religious and health care functions.
2512
2513 5. Multifamily: All dwelling units served by waste management systems other than the Town's
2514 curbside collection of recyclables and/or trash collection.
2515
2516 6. Municipal: any building owned by the Town of Wrentham.
2517
2518 7. Recyclable Materials: Any type of refuse designated by the State of Massachusetts through
2519 the Code of Mass. Regulations (310 CMR 19.017) including but not limited to: glass bottles
2520 and jars, empty aerosol cans, tin, steel and aluminum food cans and lids, deposit and non-
2521 deposit beverage cans and aluminum foil, milk and juice boxes, plastic containers,
2522 newspaper, magazines, catalogs, junk mail and phone books, paperboard, corrugated

2523 cardboard, yard waste (leaves, grass clippings, weeds, hedge/shrub clippings, garden waste,
2524 brush up to 3 inches in diameter, Christmas trees).

2525
2526 **8.** Residential: all dwelling units participating in municipal curbside collection of recyclables
2527 and/or served by trash collection.

2528
2529 **9.** Solid Waste: Any useless, unwanted, or discarded material that is abandoned by being
2530 disposed of or is stored, treated or transferred pending such disposal, not including any
2531 hazardous waste, or leaf and yard wastes.

2532
2533 **10.** Waste Hauler: any person, business, or Town Department who is duly licensed to collect
2534 refuse and/or recyclables within the Town of Wrentham.

2535
2536 **D. Waste Haulers**

2537 Every waste hauler must be duly licensed by the Town Board of Health on an annual basis to
2538 operate within the Town of Wrentham; see M.G.L., Ch. 111, Sections 31A and 31B.

2539
2540 Every waste hauler shall provide an integrated waste management service whereby collection of
2541 recyclables is provided to all trash collection customers.

2542
2543 Every non-municipal waste hauler, upon request, shall provide the Town Administrator with an
2544 updated customer list which includes the names and address of customers within the Town, the
2545 degree of service, and pick-up schedule. Upon request, every waste hauler shall also provide
2546 educational material to customers. [amended ATM 6-8-15, art. 33]

2547
2548 No waste hauler may accept a load with greater than 5% (by volume) recyclables. In addition,
2549 every waste hauler shall report violations of this provision to the Board of Health or its agent.

2550
2551 **E. Property Owners/Tenants**

2552 It shall be mandatory for each occupier of land in Wrentham to separate all designated recyclable
2553 materials from other refuse.

2554
2555 Every residential owner/tenant shall place a green recycling bin (or a suitable durable container)
2556 at the curb for weekly collection. Paper shall be collected in paper bags or bundled in suitable
2557 containers and placed at the curb for designated collection times. Yard waste may be brought to
2558 the DPW yard.

2559
2560 Every owner/tenant of a residential or multifamily dwelling, business, or institution shall be
2561 responsible for the proper disposal of recyclables, including the set-up on-site of recycling
2562 collection areas for inhabitants/tenants.

2563
2564 **F. Ownership of Recyclables**

2565 Upon placement of recyclables at the curbside for collection by the Town, such materials shall
2566 become property of the Town. No person or business, other than licensed and/or authorized
2567 agents of the Town, acting in the course of their employment, may collect or pick up any
2568 recyclable materials so placed.

2569
2570 **G. Enforcement and Penalties**

2571 **1.** Enforcement of mandatory recycling is at the discretion of the Town Administrator or their
2572 designated agent/assignee, who may elect to apply the provisions of this section as follows:
2573 [amended ATM 6-8-15, art. 33]

2574

- 2575 2. Any person or entity who violates the provisions of this bylaw may be penalized by a non-
2576 criminal disposition as provided in M.G.L. C.40, Section 21D. The penalty for each violation
2577 shall be in the amount specified in ART. 4.7, SECTION 7.B. [amended ATM 6-8-15, art. 34]
2578
2579 3. The Town Administrator or his/her agent may further decide to suspend a violator's municipal
2580 trash and recyclables pickup in response to repeated violations. [amended ATM 6-8-15, art.
2581 33]
2582
2583 4. Any person or entity who wishes to appeal may do so through the Board of Selectmen.
2584
2585

2586 **ARTICLE 6.51. Solid Waste Recycling Committee**

2587 [M.G.L. c. 40, s. 8H accepted under ATM April 29, 1991, art. 38; added ATM 6-9-14, art. 18]
2588

2589 **ART. 6.51. SECTION 1. General**

- 2590 A. There shall be a standing *committee* known as the Solid Waste Recycling Committee as referred
2591 to in M.G.L. c. 40, s. 8H.
2592
2593 B. The Committee shall consist of five (5) members who shall be appointed by the Board of
2594 Selectmen.
2595

2596 **ART. 6.51. SECTION 2. Role and Responsibility**

- 2597 A. The committee shall investigate and recommend to the Board of Selectmen methods or programs
2598 to minimize long-term solid waste disposal costs for the town, while managing wastes in an
2599 environmentally sound manner.
2600
2601 B. The committee will also consider means for the town to remove and manage materials subject to
2602 landfill disposal restrictions from the waste stream currently being landfilled.
2603
2604 C. The committee will evaluate and make recommendations to the Board of Selectmen on the
2605 apparent feasibility or desirability of various alternatives for recyclable materials collection
2606 programs and marketing of recyclables.
2607
2608 D. The committee will conduct awareness and education programs for the town to promote
2609 participation in recycling within the Town.
2610

2611
2612 **ARTICLE 6.60. Town Common Landscape Memorial Committee**

2613
2614 **ART. 6.60. SECTION 1. General**

2615 [amended ATM 6-9-14, art. 21]

- 2616 A. There shall be a standing committee to be known as the Town Common Landscape Memorial
2617 Committee.
2618
2619 B. This shall be appointed by the Board of Selectmen and shall consist of: nine (9) members as
2620 follows: One (1) member of the Board of Selectmen to serve *ex-officio*; the DPW Superintendent
2621 to serve *ex-officio*, the Tree Warden to serve *ex-officio*; and six (6) citizens at large; and one (1)
2622 associate citizen at large who shall serve in the absence of any regular appointed member of the
2623 Town Common Landscape/Memorial Committee who is unable to attend meetings of said
2624 Committee. [amended ATM 6-8-15, art. 35]
2625
2626

2627 **ART. 6.60. SECTION 2. Role and Responsibility**

2628 The committee shall:

- 2629 i. monitor and advise and/or make recommendations to the Town of Wrentham and to its authority
2630 (Board of Selectmen) on matters related to the Town Common, Sweatt Park and any other public
2631 park spaces in the center of town as well as public memorials located throughout the town
2632 including but not limited to rehabilitation, renovation or repair;
2633
- 2634 ii. gather information and conduct meetings related to rehabilitation, renovation and/or repair and
2635 other such relevant matters;
2636
- 2637 iii. facilitate communications and activities related to these matters among the following groups:
2638 Board of Selectmen, Department of Public Works, Recreation Committee, Historical Commission,
2639 Veterans' Agent, and citizens of the Town of Wrentham; and,
2640
- 2641 iv. other matters as the Board of Selectmen may request.
2642
2643

2644 **ARTICLE 6.80 Dam Committee**

2645 [ATM 6-1-81, art. 3, Town Meeting's action did not amend General Bylaws; added ATM 6-9-14, art. 18]
2646

2647 **ART. 6.80. SECTION 1. General**

- 2648 A. There shall be standing *committee* known as the Dam Committee.
2649
- 2650 B. The Committee shall be comprised of seven members who shall be appointed by the Board of
2651 Selectmen.
2652

2653 **ART. 6.80. SECTION 2. Role and Responsibility**

2654 The Committee shall study the structural conditions and other related matters pertaining to dams in the
2655 Town, and recommend to the landowner any necessary improvements, provided that there is no cost to
2656 the Town.
2657
2658

2659 **ARTICLE 6.90 Energy Resources Commission**

2660 [ATM 4-7-80, art. 3, however, Town Meeting's action did not include amending the General Bylaws;
2661 added ATM 6-9-14, art. 18]
2662

2663 **ART. 6.90. SECTION 1. General**

- 2664 A. There shall be standing *committee* known as the Energy Resources Commission as authorized by
2665 M.G.L. c. 41, s. 8I.
2666
- 2667 B. The Commission shall be comprised of seven members who shall be appointed by the Board of
2668 Selectmen.
2669
2670

2671 **ART. 6.90. SECTION 2. Role and Responsibility**

2672 The Commission shall be responsible for:

2673

2674 **i.** identifying and taking advantage of opportunities (including capital outlay) to improve energy
2675 efficiency and conservation in the operation of programs by the Town, and explore alternative
2676 energy sources;

2677

2678 **ii.** provide information to citizens and public officials and promote energy efficiency, energy
2679 conservation, and renewable energy generation by the Town and by Wrentham residents to
2680 reduce short and long-term energy costs, generate revenue, and reduce impacts on climate and
2681 the environment;

2682

2683 **iii.** develop and administer programs in conjunction with the Emergency Management Director to
2684 prepare for and manage energy emergencies; and,

2685

2686 **iv.** conduct other related energy management activities that are authorized by statute.

2687

2688 **TITLE VII. DEVELOPMENT AND LAND USE**

2689
2690
2691 **ARTICLE 7.10. Planning Board**

2692
2693 **ART. 7.10. SECTION 1. Zoning**

2694 (Refer to the Zoning Bylaws)

2695
2696
2697 **ARTICLE. 7.11. Earth Removal**

2698 (Refer also to **ARTICLE 14, EARTH REMOVAL**, of the Zoning Bylaws.)

2699
2700 **ART. 7.11. SECTION 1. Purpose**

2701 This bylaw is to ensure that permanent changes in the surface contours of land from earth removal
2702 activities will leave the land in a safe and convenient condition for appropriate reuse without requiring
2703 excessive and unreasonable maintenance or creating danger of damage to public or private property, and
2704 is to provide that earth removal activities shall be conducted in a safe manner, with minimal detrimental
2705 effect upon neighboring properties and the district in which the activities occur.

2706
2707 **ART. 7.11. SECTION 2. Authority**

2708 This bylaw is adopted pursuant to the authority granted under General Laws Chapter 40, § 21, clause 17,
2709 and Article II, §6 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

2710
2711 **ART. 7.11. SECTION 3. Definitions**

2712 **A.** Incidental to/Incidental use: a use is incidental to a primary use when it is subordinate to the
2713 primary use, is consistent with the character of the existing and intended use, involves no income
2714 or profit for purposes other than the primary use, and bears a reasonable relation to it. Earth
2715 Removal activities may be an incidental use only when they are a minor use, not a major
2716 undertaking.

2717
2718 **B.** Earth: all material normally and naturally composing part of the earth's surface and immediate
2719 subsurface, excluding water, including but not limited to, soil, clay, gravel, hard pan, loam, rock,
2720 peat and sand.

2721
2722 **C.** Lot: a single parcel of land separated from contiguous land by property lines described in a
2723 recorded plan or deed.

2724
2725 **D.** Remove/Removal: The severance of any Earth from its natural location, whether or not such
2726 Earth is moved from the lot to another location on the same lot or off the lot, by any means,
2727 including but not limited to, stripping, excavating, mining or blasting.

2728
2729 **ART. 7.11. SECTION 4. Earth Removal Prohibited Without a Permit**

2730 No person, firm or corporation shall remove any Earth from any lot in the Town of Wrentham, unless
2731 such activity is a permitted or lawfully nonconforming use in the district under the Town of Wrentham
2732 Zoning Bylaw, and is authorized by a permit issued by the Planning Board under this Bylaw.

2733
2734 **ART. 7.11. SECTION 5. Conditional Exemptions**

2735 The following activities shall not be considered Earth Removal and no permit shall be required under this
2736 bylaw, provided the activities do not constitute a nuisance or danger to the public, and conform to
2737 accepted engineering or agricultural practices:

- 2739 **A.** The Superintendent of Public Works and his/her agents and employees may perform Earth
2740 Removal activities in the performance of their public duties on any public way and on Town
2741 property.
- 2742
- 2743 **B.** Earth Removal incidental to the construction of the foundation of buildings, walks, driveways,
2744 septic systems or swimming pools, and incidental to the installation of utilities, provided that the
2745 quantity of Earth subject to Removal does not exceed that displaced by the portions of
2746 construction and installation below finished grade.
- 2747
- 2748 **C.** Earth Removal incidental to the normal operation of a cemetery.
- 2749
- 2750 **D.** Earth Removal incidental to landscaping in which the amount of Earth subject to Removal does
2751 not exceed 200 cubic yards in one calendar year, if the Earth is transported off the lot; and does
2752 not exceed 500 cubic yards in one calendar year, if the Earth is transported within the lot.
- 2753

2754 **ART. 7.11. SECTION 6. Earth Removal Permit Requirements**

2755 **A. Application**

2756 An application for an Earth Removal permit shall be submitted to the Planning Board on such
2757 forms or in such manner as the Planning Board shall specify. The application shall include:

- 2758
- 2759 **i.** the location of the property upon which Earth Removal is proposed, identified by both
2760 Assessors Lot Number and Street address, if an address has been assigned to the
2761 property, and identified by the Registry of Deeds book and page;
- 2762
- 2763 **ii.** the name and address of the petitioner;
- 2764
- 2765 **iii.** the name and address of the property owner;
- 2766
- 2767 **iv.** the name and address of any mortgagees;
- 2768
- 2769 **v.** a certified list of the names and addresses of all abutters; and
- 2770
- 2771 **vi.** an estimated number of cubic yards of Earth proposed for Removal and an estimate,
2772 based on field data, of the number of cubic yards of loam that will be stripped and
2773 stockpiled.
- 2774

2775 **B. Fees**

2776 **1. Administrative Fee**

2777 The Planning Board is authorized to establish a fee schedule imposing fees for permit
2778 applications and permit renewal applications. Such application fees must be based on a
2779 reasonable estimate of the actual costs incurred by the Planning Board in carrying out its
2780 duties under this bylaw.

2781

2782 **2. Consultant's Fees**

2783 The Planning Board is authorized to require the applicant to pay the reasonable costs and
2784 expenses borne by the Planning Board for specific expert engineering and consultant services
2785 deemed necessary by the Planning Board to review any permit application, or permit renewal
2786 application, up to a maximum amount specified in ART. 4.7, SECTION 7.C. In cases where
2787 the Earth Removal project will exceed 5,000 cubic yards, the maximum consultant fee shall
2788 be in the amount specified in ART. 4.7, SECTION 7.A. Such services may include, without
2789 limitation, the delineation and survey of wetland resource areas, the delineation and survey
2790 of surface contours, analysis of resource area values, hydrogeological and drainage analyses,
2791 and legal services. The Planning Board is authorized to charge the applicant for said fee

2792 based upon its reasonable finding that the additional information it may acquire through
2793 outside consultants will be helpful for the making of an objective decision and the
2794 formulation of appropriate conditions. Said fee may be requested of the applicant within
2795 thirty (30) days of the filing of the application, or from the last amendment thereto. In its
2796 request, the Planning Board shall identify the consultant it has selected, include an estimate
2797 of the charges for the proposed services, and state the amount due as an initial deposit. The
2798 applicant may appeal from the selection of the consultant to the Board of Selectmen within
2799 ten (10) days of receiving notice from the Planning Board of the same. The Selectmen may
2800 set aside the selection of the consultant only if the consultant lacks sufficient qualifications to
2801 perform the work or has a conflict of interest. Subject to this right of appeal, all deposits
2802 requested by the Planning Board shall be delivered to the Town Treasurer within ten (10)
2803 days of the Planning Board's request. [amended ATM 6-8-15, art. 34]
2804

2805 **3. Town Exempt**

2806 No application or consultant fees shall be due from the Town of Wrentham in connection
2807 with any project performed by the Town or on its behalf.
2808

2809 **C. Site Plan**

2810 A Site Plan shall be submitted as part of an Earth Removal Permit Application. The Site Plan shall
2811 be submitted in the quantities and in the form required by the Planning Board. The Site Plan shall
2812 be prepared by a registered civil engineer licensed to practice in the Commonwealth of
2813 Massachusetts. The Site Plan shall include, without limitation:

- 2814 **i.** all the property where the earth is to be removed showing boundary lines, easements and
2815 rights of way in detail, and the names of abutters;
- 2816 **ii.** the elevations of abutting land at the lot lines;
- 2817 **iii.** all adjacent roads and structures, public or private, their elevations and established
2818 grades;
- 2819 **iv.** All waterways and wetlands resource areas (as defined in 310 CMR 10.00), and any land
2820 within the Watershed Protection, Aquifer Protection and Flood Plain Districts (as defined
2821 by the Wrentham Zoning Bylaw) on the locus and their respective elevations;
- 2822 **v.** existing and proposed contours at two (2) foot intervals with all profiles drawn to a scale
2823 of one (1) inch equals eight (8) feet;
- 2824 **vi.** a minimum of two (2) vertical control benchmarks (one to be permanent) must be
2825 established and maintained on site on the National Geodetic Vertical Datum, U.S.
2826 Geological Survey base to the closest hundredth of a foot (0.01 foot) with an additional
2827 benchmark similarly provided per each additional four (4) acres or portion thereof on the
2828 site;
- 2829 **vii.** drainage calculations in support of the specification found in Paragraph 7., Sub-paragraph
2830 xii.; and,
- 2831 **viii.** surface water flows, groundwater elevations before and after Removal.

2832 The Planning Board may in any particular case, where such action is in the public interest and not
2833 inconsistent with the intent and purpose of this bylaw, waive or modify any of these Site Plan
2834 requirements upon the written request of the applicant. The Planning Board may require
2835

2844 additional information in the Site Plan if such information will assist it in making the required
2845 findings under this bylaw.

2846
2847 **D. Public Hearing**

2848 The Planning Board shall, within 65 days after the filing of a complete application, hold a public
2849 hearing on said application. Notification of the public hearing shall be advertised for two
2850 consecutive weeks in a newspaper generally circulated in Town beginning at least 14 days before
2851 the hearing date. The applicant shall notify all abutters and other parties in interest by certified
2852 mail, return receipt requested, mailed at least 14 days before the hearing date, and shall present
2853 copies of the returned receipts to the Planning Board on or before the hearing date. The
2854 applicant shall pay the cost of the publishing notice.

2855
2856 The applicant must introduce evidence establishing, and the Planning Board must make specific
2857 findings of fact, that each of the following general requirements will be met:

- 2858
2859 **i.** that the earth removal may be accomplished without unreasonable danger to the health,
2860 safety and general welfare of the inhabitants of the Town in general nor to that of those
2861 in the immediate vicinity;
- 2862
2863 **ii.** that the earth removal will not produce unreasonable noise, dust, or other effects
2864 observable as detrimental to the normal use of adjacent land;
- 2865
2866 **iii.** that the earth removal and change in topography may be accomplished without adverse
2867 effect to abutting land by reason of surface water drainage nor to the recharge of the
2868 water table nor to the pumping rate of any nearby Town well site; and,
- 2869
2870 **iv.** that the earth removal will not have a material adverse effect on the health or safety of
2871 persons living in the neighborhood or on the use or amenities of adjacent land.

2872
2873 **ART. 7.11. SECTION 7. Earth Removal Permit Decision and Required Conditions**

2874 The Planning Board may grant, grant with conditions, deny, or grant in part and deny in part, any Earth
2875 Removal permit application or application for permit renewal. The Planning Board shall file a copy of its
2876 permit decision in the office of the Town Clerk, and mail a copy of its decision to the applicant, within 30
2877 days after the close of the last public hearing or the application. In the event that the Planning Board
2878 shall fail to file its decision in the office of the Town Clerk within 100 days of the filing of the application,
2879 or by such a later date to which the applicant may agree in writing, the application shall be deemed to be
2880 constructively granted subject to the general conditions set forth herein.

2881
2882 All work performed under a permit granted under this bylaw shall be done in accordance with the
2883 required conditions set forth below, which shall be deemed to be incorporated therein by reference,
2884 unless specifically waived or modified by the Planning Board. The Planning Board may waive or modify
2885 any of the required conditions if such action is consistent with the purposes and intent of this bylaw and
2886 will not substantially compromise the protection of the public and the environment.

- 2887
2888 **A.** All trees are to be cut, not bulldozed. All trees and brush are to be chipped on site unless
2889 removed for commercial purposes. Stumps may not be buried on the site except in accordance
2890 with a site assignment issued under G.L. c. 111, § 150A.
- 2891
2892 **B.** All loam and topsoil must be scraped and stockpiled on the site for use in later landscaping. No
2893 loam or topsoil may be removed from the site.
- 2894

- 2895 C. Excavation to the property line is not permitted. The Site Plan shall designate a minimum 50-foot
2896 buffer strip along the property lines where the earth and vegetation shall remain undisturbed.
2897
- 2898 D. Earth must be removed to contours set forth in the approved Site Plan. Boulders must be buried
2899 at a depth which will provide a six (6) foot cover at finished grade. Ledge shall not be left
2900 exposed under normal circumstances. If ledge is encountered, the permittee must either remove
2901 it, or submit a revised Site Plan for approval which must be approved before work is continued.
2902
- 2903 E. Slopes shall not exceed a 3:1 ratio and a 4:1 ratio is preferred where practical. A 4:1 slope may
2904 be required in areas determined to be sensitive by the Planning Board.
2905
- 2906 F. Earth removal shall be carried out in four (4) acre grids and not over the entire site at one time.
2907 After each such grid has been excavated, the land shall be brought to rough finish grade and
2908 loam spread to a depth of not less than six (6) inches to bring the land to finished grade before
2909 proceeding to the next excavation area. This regrading area must then be seeded with an
2910 acceptable perennial grass at the rate of not less than two hundred pounds per acre and the area
2911 maintained until the grass heights have reached the two (2) inch minimum. In appropriate cases,
2912 the Planning Board may modify this requirement in the light of special requirements of site work
2913 to allow regrading at the end of the removal operation upon making specific findings of fact as to
2914 why such modification is required.
2915
- 2916 G. The regrading and seeding of each grid or disturbed area shall be completed, according to
2917 specification, within 30 days of the completion of excavation of the grid, expiration of the special
2918 permit or upon cessation of operations, whichever occurs first.
2919
- 2920 H. Finished grades shall be as indicated on the approved site plan. In general, finished grades may
2921 not be designed to be below the level of any abutting public way unless the Planning Board
2922 determines, based upon satisfactory engineering data, that a finished grade below the elevation
2923 of an abutting way is advantageous to the plan for future use of the property.
2924
- 2925 I. Topsoil must be spread to a depth of not less than six (6) inches over disturbed areas and
2926 seeded and maintained as stated previously.
2927
- 2928 J. Fingerling fir, white pine or other approved tree cover shall be planted over the entire disturbed
2929 area at five (5) to six (6) feet on center.
2930
- 2931 K. No excavation shall be made at less than ten (10) feet above annual high water table as
2932 established from test pits and soil borings. A minimum of three (3) observation wells shall be
2933 monitored for one (1) year to establish the high water table ground plane elevation. Additional
2934 wells may be necessary on sites exceeding ten (10) acres. This data shall be shown on the site
2935 plan submitted to the Planning Board for approval and on a permanent monument placed on the
2936 property and shown on the site plan.
2937
- 2938 L. All access roads leading to public ways shall be treated to minimize dust and mud for a distance
2939 of not less than two hundred (200) feet back from the public way. Any spillage on public ways
2940 shall be cleaned by the applicant on a twice-daily basis, including once following the close of
2941 normal working hours.
2942
- 2943 M. Unless the site conditions expressly require alteration of drainage patterns, the land shall be left
2944 so that natural storm drainage shall leave the property at the original natural drainage points;
2945 and so that the total discharge at peak flow, and the area of drainage to any one point, is not
2946 increased; and so that the hydrography of any post-development stream is the same as that of
2947 the pre-development stream.

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- N. Any earth removal in the vicinity or within wetland areas governed by M.G.L. Ch.131 or other wetlands related laws, shall also be subject to orders of conditions from the Conservation Commission. Whether such proposed earth removal projects fall within the jurisdiction of the Conservation Commission shall be determined by the Conservation Commission and the applicable Town, State and Federal laws.
 - O. The applicant shall be responsible for monitoring the amount of earth removed from the site. A bi-weekly report, prepared and certified by a registered civil engineer, licensed to practice in the Commonwealth of Massachusetts, shall be forwarded to the Planning Board for the duration of the earth removal project. The report shall include a daily account of the number of truckloads of earth removed from the site, the number of cubic yards of earth contained in each truckload, daily and weekly totals of the number of cubic yards of earth removed from the site and a cumulative total, from project inception to date, of the number of cubic yards of earth removed from the site.

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ART. 7.11. SECTION 8. Special Conditions

The Planning Board shall set forth particular hours of operation for each individual operation as a special condition.

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The Planning Board may impose additional special conditions deemed necessary in the light of circumstances. Special conditions may include, without limitation, requirements or limitations relating to the proximity of residential or commercial uses that might be affected by dust, noise and traffic, blasting with respect to ledge removal, drainage matters, lateral support of abutting property and the like.

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ART. 7.11. SECTION 9. Bond Requirement

Prior to the start of any work under a permit granted hereunder, a surety company bond or deposit of money (which may take the form of an assignment of a bank account assented to by the depository bank) shall be delivered to the Planning Board to ensure compliance with this bylaw and of the conditions of the permit. The bond shall have a term of not less than two (2) years beyond the estimated completion date of the earth removal project. Such bond or other security shall be held by the Town Treasurer until the permit holder submits an "as built" plan, prepared and certified by a registered civil engineer licensed to practice in the Commonwealth of Massachusetts, showing that all excavation has been to grades approved on the Site Plan, and that all restoration work has been completed.

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ART. 7.11. SECTION 10. Term of Permit and Permit Renewal

No permit shall be issued for a period in excess of 12 months.

A permit may be renewed annually, upon written request of the applicant to the Planning Board. The Planning Board may impose a renewal application fee under SECTION 6.B.1., and may charge the applicant the reasonable costs of its own consultants under Section 6.B.2.

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A permit renewal application shall include a letter prepared by a registered civil engineer licensed to practice in the Commonwealth of Massachusetts, certifying that all work performed under the prior permit was undertaken in substantial compliance with the approved plans and permit requirements and conditions, and setting forth what deviation, if any, exists from those plans and permit requirements. The Planning Board may require submission of further materials, including, without limitation, reports of engineers or consultants.

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A renewal request must be received by the Planning Board at least 65 days before the expiration of the prior permit. Within 14 days of its receipt, the Planning Board shall post notice of the request for permit renewal for at least 10 days. A permit may be renewed without public hearing, unless an abutter or

3000 other party in interest requests a public hearing in writing within the first 10 days the notice is posted. If
3001 a public hearing is requested, the notice and burden of proof provisions of Section 6.D. shall apply.
3002

3003 The Planning Board shall hold its meeting, or commence the public hearing on the request within 65
3004 days of its receipt. The Planning Board shall notify the applicant of its decision within 21 days after the
3005 close of the meeting or the public hearing. If a prior permit has lapsed before a determination on a
3006 permit renewal has been made final, no Earth Removal may be performed.
3007

3008 The Planning Board may renew a permit only upon a showing that the activities carried out under the prior
3009 permit were performed in accordance with the plans, specifications and conditions of the prior permit, and
3010 that the activities proposed under the renewed permit will not entail Earth Removal of a larger quantity or
3011 from a larger portion of a lot than allowed on the prior permit.
3012

3013 The Planning Board may impose additional conditions upon a renewed permit, and may renew it for any
3014 period of time, not to exceed 12 months.
3015

3016 **ART. 7.11. SECTION 11. Earth Removal Operations in Existence**

3017 This Bylaw shall take effect 30 days from the date of its approval by the Attorney General of the
3018 Commonwealth. Earth Removal operations in existence on May 1, 1999, may continue through June 30,
3019 2000, provided that an application for any such operation is filed with the Planning Board before March 1,
3020 2000. A Special Permit issued under Article 14 of the Wrentham Zoning bylaw (as adopted by the Town on
3021 December 21, 1987) between December 21, 1987 and the effective date of this bylaw shall be treated as
3022 an original permit under this bylaw expiring on July 1, 2000, and may be renewed annually pursuant to
3023 Section 10 of this bylaw, subject to any reasonable conditions imposed by the Planning Board under this
3024 bylaw.
3025

3026 **ART. 7.11. SECTION 12. Earth Removal in Connection with Other Uses**

3027 In appropriate circumstances, the Planning Board may combine any hearing required under this Bylaw
3028 with the hearing on an application for definitive plan approval under G.L. c. 41, §81U, or an application
3029 for a special permit or site plan approval under the Wrentham Zoning Bylaw, and may accept plans or
3030 information submitted in support of such applications in satisfaction of the requirements of this Bylaw. In
3031 such cases, the Board shall ensure that the separate requirements of this Bylaw are met, and shall issue
3032 a separate permit under this Bylaw.
3033

3034 **ART. 7.11. SECTION 13. Enforcement and Penalty**

3035 The Building Inspector shall be responsible for enforcing provisions of this bylaw and the decisions
3036 rendered in accordance with Sections 6.0 and 9.0 herein. Once notified by the Building Inspector, an
3037 Earth Removal operator shall immediately cease such activities or begin to correct such conditions
3038 determined to be contrary to said provisions or decisions. Failure to do so shall constitute a non-criminal
3039 violation subject to a fine in accordance with MGL c. 40, s. 21D, as follows: fifty dollars for the first
3040 offense, one hundred dollars for the second offense, and two hundred dollars for each subsequent
3041 offense. (amended ATM 4/30/01)
3042

3043 **ARTICLE. 7.12. Scenic Roads**
3044 [amended STM 11-12-13, art. 14]
3045

3046 **ART. 7.12. SECTION 1. Purpose**

3047 The purpose of this bylaw is to increase environmental protection, maintain aesthetic qualities, and
3048 preserve the historical values of designated roads in the Town. The bylaw regulates certain roadway
3049 repair, maintenance and reconstruction activities in order to help achieve these objectives.
3050
3051

3052 **ART. 7.12. SECTION 2. Definitions**

3053 In the absence of contrary meaning established through legislative or judicial action pursuant to M.G.L.
3054 (Massachusetts General Law) Chapter 40, Section 15C, the following terms contained in that statute shall
3055 be defined as follows:
3056

- 3057 **A.** "Cutting or removal of trees" shall mean the destruction of one or more trees having a trunk
3058 diameter of four (4) inches or more measured four (4) feet from the ground, trimming of major
3059 branches or trimming of roots sufficient in the Tree Warden's opinion to cause eventual
3060 destruction of a tree. Not included in this definition is the routine or emergency maintenance
3061 which removes only permanently diseased or damaged limbs, trunks, or roots, and dead whole
3062 trees.
3063
- 3064 **B.** "Repair, maintenance, reconstruction, or paving work" shall mean any work done within the right
3065 of way by any person or agency, public or private. Construction of new driveways or alterations
3066 of existing ones is included to the extent such work takes place within the right-of-way. Roadside
3067 clearing of trees to provide for vehicle clearance or for improvement to line-of-sight shall also be
3068 included in this definition. Construction of alteration of water, sewer, electric, telephone, cable
3069 TV of other utilities within the right-of-way is also included.
3070
- 3071 **C.** "Road" shall mean the right-of-way of any way used and maintained as public way including the
3072 vehicular traveled way, plus shoulders, the portion of intersecting driveways within the right-of-
3073 way, and necessary appurtenances within the right-of-way such as bridge structures, drainage
3074 systems, retaining walls, and paths. When the boundary of the right-of-way is in issue so that
3075 there is a question as to whether or not certain trees or stone walls or portions thereof are within
3076 or without the way, the trees or stone walls shall be presumed to be within the way until the
3077 contrary is shown.
3078
- 3079 **D.** "Tree" shall mean a perennial woody plant whose trunk has a diameter of four (4) inches or more
3080 as measured four (4) feet above the ground.
3081
- 3082 **E.** "Stone Wall" shall mean an assembled grouping of stones comprising at least one (1) cubic foot
3083 of stone per linear foot and totaling five (5) or more feet in length.
3084
- 3085 **F.** "Tearing down or destruction of stone walls" shall mean the removal or covering with earth of
3086 more than two (2) linear feet of stone wall. Temporary removal and replacement with the same
3087 materials at the same location within thirty (30) days shall not be construed to be within this
3088 definition.
3089

3090 **ART. 7.12. SECTION 3. Procedure for Scenic Road Designation**

3091 **A. Process**

- 3092 **1.** Any person or group of persons may submit an application to the Town Administrator to
3093 request that a public road be designated as a scenic road. Such application shall be
3094 accompanied by a written description of the characteristics of the road that qualify it for
3095 protection afforded by this chapter.
3096
- 3097 **2.** The Town Administrator shall refer all such applications to the Planning Board, the
3098 Conservation Commission and the Historical Commission within 15 days of the date of receipt
3099 of the application.
3100
- 3101 **3.** Within 45 days of receipt of an application thereunder, the Planning Board, the Conservation
3102 Commission and the Historical Commission may make a recommendation to the Board of
3103 Selectmen or request in writing that the road described in the application be designated a

3104 scenic road. Upon recommendation, the Board of Selectmen shall include a warrant article
3105 for the next Town Meeting.

3106
3107 **4.** Designation is by majority vote of Town Meeting.
3108

3109 **B. Findings**

3110 In considering whether to recommend a road as a scenic road to the Town Meeting, the Board
3111 shall consider the following factors:

- 3112 i. Historic significance of affected trees and stone walls.
3113
3114 ii. Contribution of trees and stone walls to scenic beauty.
3115
3116 iii. Exceptional qualities of trees in terms of age, spread, species or specimen size.
3117
3118 iv. Protection of natural resources as well as scenic and aesthetic quality of area including
3119 scenic views.
3120
3121 v. Bordering land uses, present and prospective, and how they impact the importance of
3122 retaining trees and walls.
3123
3124 vi. Feasibility of accomplishing the intent of the Scenic Roads Act in light of road design and
3125 use.
3126

3127
3128 **C. Non-qualifying roads**

3129 Numbered routes and state highways may not be designated scenic roads.
3130

3131 **ART. 7.12. SECTION 4. Review Procedures for Work Within Designated Scenic Roads**

3132 **A. Scenic road work permit**

3133 The Planning Board shall issue a scenic road work permit in accordance with the following review
3134 procedures. The Planning Board shall advertise, notify abutters and hold a public hearing on all
3135 work permit applications filed hereunder, in accordance with the notice requirements of M.G.L.
3136 Chapter 40A, Section 11.
3137

3138 **B. Activities requiring approval**

3139 Within a public road layout which has been designated a scenic road, the following activities shall
3140 require approval of the Planning Board in accordance with the provisions of this article: The
3141 cutting or removal of trees and/or the tearing down or destruction of stone walls or portions
3142 thereof, in connection with repair, maintenance, reconstruction, paving or other work within the
3143 layout of a public road.
3144

3145 **C. Imminent threats to public safety**

3146 In cases where an imminent threat to public safety newly arises and does not allow sufficient
3147 time to obtain advance approval of the Planning Board as required by this chapter, the Planning
3148 Board must be notified within five business days of any action taken which, had such a threat not
3149 arisen, would have been a violation of this article.
3150

3151 **D. Application content**

- 3152 **1.** A notice identifying the location of the proposed activity which enables readers to reasonably
3153 locate it on the ground, without need for additional references, describing the proposed
3154 changes to tree(s) and/or stone wall(s).
3155

- 3156 2. A certified abutters list prepared by the Wrentham Assessor's Office including owners of land
- 3157 which is both abutting and within 300 feet of the affected scenic road location.
- 3158
- 3159 3. A plan, describing the proposed activity and mitigation measures, including protection,
- 3160 restoration and any compensatory efforts.
- 3161
- 3162 4. A certificate by the petitioner attesting to the marking of all trees and walls to be affected,
- 3163 sufficient to enable the Board and all interested parties to identify those trees and walls.
- 3164
- 3165 5. Photographs of all stone walls and trees within the proposed work area.
- 3166
- 3167 6. Application form.
- 3168

3169 **E. Public Shade Tree Act**

3170 Whenever feasible, notice shall be given and Planning Board hearings shall be held in conjunction
 3171 with those held by the tree warden acting under M.G.L. Chapter 87. The consent of the Planning
 3172 Board to a proposed action shall not be regarded as inferring consent by the tree warden, or vice
 3173 versa. The Planning Board decision shall contain a condition that no work should be done until
 3174 all applicable provisions of the Public Shade Tree Law, M.G.L. Chapter 87, have been complied
 3175 with.

3176 **F. Fees**

3177 Actual advertising costs and abutter notification mailings for a scenic roads work permit shall be
 3178 borne by the petitioner and shall be billed directly to the petitioner. A scenic roads work permit
 3179 fee shall be established by the Planning Board to cover the town's administrative costs.
 3180

3181 **G. Compensatory actions**

3182 1. Since the purpose of this chapter is to protect the scenic quality and character of designated
 3183 scenic roads, the Planning Board shall approve the proposed work only upon finding that
 3184 adequate compensatory actions have been included in the applicant's proposed plan. The
 3185 Planning Board shall consider the value of compensatory actions, such as the planting of new
 3186 replacement trees or the reconstruction of stone walls, in making its decision. Reasonable
 3187 measures should be taken in road widening and traffic safety projects on scenic roads so as
 3188 to minimize tree removal and destruction of any portion of a stone wall. All feasible
 3189 measures should be employed in the construction to minimize the removal of trees, stone
 3190 walls and the grade of adjacent lands.
 3191

3192 **2. Limited review standards**

3193 **(a) Replacement Trees.**

3194 **(1)** Trees destroyed shall be replaced with nursery grade trees on the following basis:

Tree Removed	Replacement
Up to 12 inches dbh caliper	2 trees minimum, 2-inch caliper
12 inches to 24 inches dbh caliper	6 trees minimum, 2-inch caliper
Over 24 inches dbh caliper	8 trees minimum, 2-inch caliper

3202 [amended STM 11-10-14, art. 13]

3203 **(2)** The Planning Board shall approve the final specimen and replanting location selected
 3204 with a preference for replacement tree(s) planted within the outer edge of the right-
 3205 of-way.
 3206
 3207
 3208

3209 (3) The preference is for replacement tree(s) to be planted in the vicinity of the original
3210 tree removal location, however, in the event compensatory planting is not feasible
3211 or desirable near the project site, the Planning Board, upon recommendation from
3212 the Tree Warden, may authorize compensatory planting in alternate locations based
3213 on the following preference:

3214
3215 First: Compensatory tree planting will occur within the outer edge of the
3216 right-of-way of the same scenic road, in close proximity to the proposed
3217 location of tree removal.

3218
3219 Second: Compensatory tree planting will occur in suitable location(s) on same
3220 scenic road as proposed tree removal location.

3221
3222 Third: Compensatory tree planting will occur on another scenic road in
3223 Wrentham.

3224
3225 Fourth: Compensatory tree planting will occur in another location in Town.

3226 (b) Stone walls shall be replaced so as to reconnect with undisturbed walls - wherever
3227 physically possible.

3228
3229 (c) Reasonable steps to be described in D(4)(c) will be taken to insure protection of tree
3230 trunks, branches, and root systems of remaining trees in the project area from temporary
3231 or permanent damage.

3232
3233
3234 **H. General**

3235 The Planning Board, after a public hearing consistent with the provisions of this article of the
3236 Town Bylaws, may adopt additional regulations for carrying out provisions hereof.

3237
3238 **ART. 7.12. SECTION 5. Enforcement**

3239 The Planning Board and the Tree Warden shall have the authority to enforce the provisions of this
3240 section, as applicable.

3241
3242 1. Any violation of this bylaw, whether for the tearing down or destruction of stone walls or the
3243 cutting or removal of trees, shall result in a fine levied against the offending property owner, in
3244 the amount specified in ART. 4.7, SECTION 7B. Each day, or portion thereof, that a violation of
3245 this bylaw continues shall be deemed a separate offense. [amended ATM 6-8-15, art. 34]

3246
3247 2. In addition to the foregoing remedies, the Town of Wrentham acting by and through its Planning
3248 Board, and with the approval of the Board of Selectmen, shall have all other legal and equitable
3249 remedies, which may exist, including without limitation the right to seek injunctive relief.

3250
3251 3. In addition and as an alternative method of enforcement, the Town of Wrentham may in its
3252 discretion enforce the provisions of this bylaw in the manner provided in MGL c. 40, §21D.

3253
3254

3255 **ART. 7.12. SECTION 6. Designated Roads**

3256 The following are designated as scenic roads as provided for in M.G.L. Chapter 40 Section 15C. The
3257 entire length of each road is protected under this bylaw, unless more specific limits are defined:
3258

3259	Arnold Street	Jenks Street	Spring Street
3260	Beach Street	Hancock Street	Summer Street
3261	Bennett Street	Madison Street (from	Taunton Street (from Senior
3262	Berry Street	Stoney Brook Lane to	Center to town line)
3263	Burnt Swamp Road	Route 1)	Vine Street
3264	Cherry Street	Myrtle Street	Wampum Street
3265	Chestnut Street	North Street	West Street (from
3266	Ellery Street	Otis Street	Spring Street to the
3267	Everett Street	Ray Road	Bellingham town line)
3268			Williams Street
3269			

3270 **ART. 7.12. SECTION 7. Appeals**

3271 The applicant may appeal the decision of the Permit Granting authority to the Board of Selectmen within
3272 30 days of the filing of the decision with the Town Clerk. The Board of Selectmen shall hear the appeal
3273 within 60 days of receipt of a notice of appeal. The appeal shall be submitted to the Board of Selectmen
3274 by certified letter in which the reasons for the appeal are itemized.
3275

3276 **ARTICLE 7.20. Board of Appeals**

3277 [amended ATM 6-9-14, art. 21]
3278

3279 **ART. 7.20. SECTION 1. General**

- 3281 **A.** There shall be a standing *committee* known as the Board of Appeals as authorized by M.G.L, c.
3282 40A, s. 12.
3283
- 3284 **B.** The Board shall be comprised of five (5) members who shall be appointed by the Board of
3285 Selectmen. The term of appointment shall be five (5) years.
3286
- 3287 **C.** The Board shall also be comprised of up to three (3) associate members who shall be appointed
3288 by the Board of Selectmen. The term of appointment shall be three years.
3289

3290 **ART. 7.20. SECTION 2. Role and Responsibility**

3291 The Board of Appeals shall have the powers as specified in Section 14 of Chapter 40A of the General
3292 Laws of Massachusetts as amended. Furthermore, the Board of Appeals shall act as the Board of Appeals
3293 for the Planning Board under the provisions of Sections 81Z through 81CC of Chapter 41 of the General
3294 Laws as amended.
3295

3296 **ARTICLE 7.30. Conservation Commission**

3297 [M.G.L. c. 40, s. 8C, accepted by town meeting 6/4/62, however, Town Meeting's action did not include
3298 amending the bylaws.; added ATM 6-9-14, art. 18]
3299

3300 **ART. 7.30. SECTION 1. General**

- 3301 **A.** There shall be a standing *committee* known as the Conservation Commission as authorized by
3302 M.G.L, c. 40, s. 8C.
3303
- 3304 **B.** The Commission shall be comprised of seven (7) members who shall be appointed by the Board
3305 of Selectmen.
3306
3307

3308 **ART. 7.30. SECTION 2. Role and Responsibility**

3309 The Conservation Commission shall act to protect and develop the natural resources and protect the
3310 watershed resources of the Town, and perform other functions as directed or authorized by statute.

3311
3312

3313 **ART. 7.31. Wetland Protection**

3314 [amended ATM 6-9-14, art. 17 and art. 18]

3315

3316 **ART. 7.31. SECTION 1. Purpose**

3317 The purpose of this bylaw is to protect the wetlands, related water resources, and adjoining land areas in
3318 the Town of Wrentham by controlling activities likely to have a significant or cumulative effect upon the
3319 important public values of those areas, which include, without limitation, the following: public or private
3320 water supply, ground water supply, flood control, erosion and sedimentation control, storm damage
3321 prevention, protection of surrounding land and other homes or buildings, water pollution control,
3322 fisheries, wildlife habitat, agriculture, recreation, and the historic and natural scenic character of wetland
3323 resource areas, watercourses, lakes and ponds (collectively, the "interests protected by this bylaw").

3324

3325 **ART. 7.31. SECTION 2. Definitions**

3326 The following definitions shall apply in the interpretation and implementation of this bylaw.

3327

3328 **A.** The term "alter" means to change the conditions of any area subject to protection under this
3329 bylaw and shall include but not be limited to one or more of the following actions upon areas
3330 described in this bylaw:

3331

3332 **i.** the removal, excavation or dredging of soil, sand, gravel or aggregate material of any
3333 kind;

3334

3335 **ii.** the changing of preexisting drainage characteristics, flushing characteristics to include
3336 soil structure, salinity distribution to include soil compositions and chemistry,
3337 sedimentation patterns, flow patterns and flood storage retention areas;

3338

3339 **iii.** the disturbance or raising or lowering of the water level or water table;

3340

3341 **iv.** the dumping, discharging or filling with any material which could degrade the water
3342 quality or change water flow or quantity;

3343

3344 **v.** the driving of piling, erection of buildings or structures of any kind;

3345

3346 **vi.** the placing of any object or obstruction whether or not it interferes with the flow of
3347 water;

3348

3349 **vii.** the destruction of plant life, including the cutting of trees, and the removal of stumps,
3350 within any resource area other than the buffer zone, or the cutting of shrubbery or trees
3351 greater than 50% of the overhead canopy;

3352

3353 **viii.** the changing of water temperature, biochemical oxygen demand and other natural
3354 characteristics of the receiving water;

3355

3356 **ix.** any activities, changes or work which pollutes any body of water or ground water; and

3357

3358 **x.** the application of pesticides or herbicides.

3359

3360 B. The term "person" shall include any individual, group of individuals, associations, partnerships,
3361 corporations, business organizations, trust, estate, Commonwealth of Massachusetts when
3362 subject to town bylaws, any public or quasi-public corporation or body when subject to town
3363 bylaws or any other legal entity, including the Town of Wrentham or its legal representative,
3364 agents or assigns.

3365 Except as otherwise provided in this bylaw or in regulations of the Commission, the definitions of terms in
3366 this bylaw shall be as set forth in the Wetlands Protection Act, G.L.C. 131, Sec. 40, and regulations 310,
3367 CMR 10.00, thereunder.

3369
3370 **ART. 7.31. SECTION 3. Jurisdiction**

3371 Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall
3372 remove, fill, dredge, build upon, degrade, or otherwise alter the following resource areas: any bank,
3373 freshwater wetland, marsh, wet meadow, bog, swamp, vernal pool (whether certified or potential),
3374 reservoir, lake, pond, creek, river or stream, or any land under said waters or any land subject to flooding
3375 or inundation by groundwater or surface water, or any land within 100 feet of any of the aforesaid
3376 resource areas (collectively, the "resource areas protected by this bylaw") and within 200 feet of any
3377 perennial stream. The area of flooding or inundation shall include all lands up to the elevation of the
3378 100-year floodplain.

3379
3380 **ART. 7.31. SECTION 4. Exceptions**

3381 The application and permit required by this bylaw shall not be required for maintaining, repairing or
3382 replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility
3383 used in the service of the public and used to provide electric, gas, water, telephone, telegraph and other
3384 telecommunication services, provided that written notice has been given to the Commission prior to the
3385 commencement of the work, and provided that the work conforms to performance standards and design
3386 specifications in any regulations adopted by the Commission.

3387
3388 The application and permit required by this bylaw shall not be required for work performed for normal
3389 maintenance or improvement of land in agricultural use, provided that written notice has been given to
3390 the Commission prior to commencement of work, and provided that the work conforms to performance
3391 standards and design specifications in regulations adopted by the Commission.

3392
3393 The application and permit required by this bylaw shall not apply to emergency projects necessary for the
3394 protection of the health and safety of the public, provided that the work is to be performed by or has
3395 been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof;
3396 provided that advance notice, oral or written, has been given to the Commission prior to commencement
3397 of work or within 24 hours after commencement; provided that the Commission or its agent certifies the
3398 work as an emergency project; provided that the work is performed only for the time and place certified
3399 by the Commission for the limited purposes necessary to abate the emergency; and provided that within
3400 21 days of commencement of an emergency project a permit application shall be filed with the
3401 Commission for review as provided by this bylaw. Upon failure to meet these and other requirements of
3402 the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency
3403 project approval and order restoration and mitigation measures.

3404
3405 Other than stated in this section, the exceptions provided in the Wetlands Protection Act, G.L.C. 131, Sec.
3406 40, and Regulations, 310 CMR 10.00, shall not apply under this bylaw.

3407
3408 **ART. 7.31. SECTION 5. Applications for Permits and Requests for Determination**

3409 Written application shall be filed with the Commission to perform activities affecting resource areas
3410 protected by this bylaw. The permit application shall include such information and plans as are deemed
3411 necessary by the Commission to describe proposed activities and their effects on the resource areas
3412 protected by this bylaw. No activities shall commence without receiving and complying with an

3413 appropriate permit issued pursuant to the bylaw whether the entity allowing or performing the work is
3414 private, commercial, municipal, or agricultural.

3415
3416 The Commission in an appropriate case may accept as the permit application and plans under this bylaw
3417 the Notice of Intent and plans filed under the Wetlands Protection Act, G.L.C. 131, Sec. 40, and
3418 Regulations 310 CMR 10.00.

3419
3420 Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may
3421 be writing request a determination from the Commission. Such a request for determination shall include
3422 information and plans as are deemed necessary by the Commission. The Commission may determine
3423 that a proposed activity or an area is not governed by this bylaw subject to the observance of conditions
3424 imposed by the Commission on the work to be performed by the applicant or may require a Notice of
3425 Intent.

3426
3427 At the time of a permit application or request for determination, the applicant shall pay a filing fee
3428 specified in regulations of the Commission. The fee is in addition to that required by the Wetlands
3429 Protection Act, G.L.C. 131, Sec. 40, and Regulations, 310 CMR 10.00.

3430
3431 **ART. 7.31. SECTION 6. Fees**

3432 **A. Administrative Fee**

3433 The Commission is authorized to include in any regulations adopted under this bylaw a fee
3434 schedule imposing fees for permits, determinations and certificates of compliance. Such fees
3435 must be based on a reasonable estimate of the actual costs incurred by the Commission in
3436 carrying out its duties under this bylaw, taking into account any fees provided under the
3437 Wetlands Protection Act. Failure to pay any fee required by regulations duly promulgated by the
3438 Commission shall be grounds for denial of the application.

3439
3440 **B. Consultant Fee**

3441 The Commission is authorized to require the applicant to pay the reasonable costs and expenses
3442 borne by the Commission for specific expert engineering and consultant services deemed
3443 necessary by the Commission to review any application and/or submissions, and to monitor or
3444 provide field services required under an Order of Conditions. Such services may include, without
3445 limitation, the delineation, survey, monitoring, and inspection of wetland resource areas including
3446 any construction within Conservation Commission's jurisdiction, including an analysis of resource
3447 area values, hydrogeological and drainage analyses, evaluation of wildlife habitat, and legal
3448 services. The Commission is authorized to charge the applicant for said fee based upon its
3449 reasonable finding that the additional information acquirable only through outside consultants
3450 would be necessary for the making of an objective decision, and when the application or request
3451 for determination proposes any of the following:

3452
3453 **i.** the alteration of 500 square feet or more of any land under a water body or bordering
3454 vegetated wetlands;

3455
3456 **ii.** the alteration of 50 linear feet or more, or the alteration of 10% or more, whichever is
3457 less, of the bank of any water body or waterway;

3458
3459 **iii.** the alteration of 1000 square feet or more of the buffer zone;

3460
3461 **iv.** the creation or evaluation of any point source discharge, detention or retention basin,
3462 water control structure or wetland replication area;

3463
3464 **v.** new construction proposed within any area that falls within the jurisdiction of the
3465 Conservation Commission as listed in Paragraph 3., Jurisdiction; or,

3466
3467 vi. the determination of the boundary line of any resource area by the Commission.
3468

3469 Said fee may be requested of the applicant within thirty (30) days of the filing of the application,
3470 or from the last amendment thereto. In its request, the Commission shall identify the consultant
3471 it has selected and include an estimate of the charges for the proposed services. The applicant
3472 may appeal the selection of the consultant to the Board of Selectmen within ten (10) days of
3473 receiving notice from the Commission of the same. The Selectmen may set aside the selection of
3474 the consultant only if the consultant lacks sufficient qualifications to perform the work or has a
3475 conflict of interest.

3476
3477 Any fees paid to the Commission under this section shall be placed into a professional services
3478 conservation account.

3479
3480 **C. Waiver/Non-Applicability of Fees**

3481 No application or consultant fees shall be due from the Town of Wrentham in connection with
3482 any project performed by the Town or on its behalf, or from any person having no financial
3483 connection with a property which is the subject of a request for determination.

3484
3485 **D. Revolving Fund**

3486 Subject to the adoption of appropriate regulations by the Conservation Commission under G.L.
3487 Ch. 40, Section 8C, any consultant fees collected under Paragraph 7. shall be deposited,
3488 expended, and accounted for under the provisions of G.L. c. 44, Section 53G.

3489
3490 **ART. 7.31. SECTION 7. Notice and Hearings**

3491 Any person filing a Notice of Intent with the Commission at the same time shall give written notice
3492 thereof, by certified mail (return receipt requested) or hand delivered, to all abutters at their mailing
3493 addresses shown on the most recent applicable tax list of the assessors, including owners of land directly
3494 opposite on any public or private street or way, and abutters to the abutters within 100 feet of the
3495 property line of the applicant, including any in another municipality or across a body of water. The notice
3496 to abutters shall state where copies of the permit application may be examined and obtained by abutters.
3497 An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be
3498 filed with the Commission. When a person requesting a determination is other than the owner, the
3499 request, the notice of the hearing, and the determination itself shall be sent by the applicant to the
3500 owner as well as to the person making the request.

3501
3502 The Commission shall conduct a public hearing on any permit application or request for determination,
3503 with written notice given at the expense of the applicant, five business days prior to the hearing, in a
3504 newspaper of general circulation in the Town of Wrentham.

3505
3506 The Commission shall commence the public hearing within 21 calendar days from receipt of a completed
3507 permit application or request for determination unless an extension is authorized in writing by the
3508 applicant.

3509
3510 The Commission shall issue its permit or determination in writing within 21 calendar days of the close of
3511 the public hearing thereon unless an extension is authorized in writing by the applicant.

3512
3513 The Commission in an appropriate case may combine its hearing under this bylaw with the hearing
3514 conducted under the Wetlands Protection Act, G.L.C. 131, Sec. 40, and Regulations 310, CMR 10.00.
3515 Notice of a hearing so combined shall not be considered defective solely because it fails to make
3516 reference to this bylaw.
3517

3518 The Commission shall have authority to continue the hearing to a date certain announced at the hearing,
3519 for reasons stated at the hearings, which may include receipt of additional information offered by the
3520 applicant deemed necessary by the Commission in its discretion, or comments and recommendations of
3521 local, State or Federal Regulatory agencies. In the event the applicant objects to a continuance or
3522 postponement, the hearing shall be closed and the Commission shall take action on such information as
3523 is available.

3524

3525 **ART. 7.31. SECTION 8. Burden of Proof**

3526 The applicant shall have the burden of proving by a preponderance of the credible evidence that the
3527 work proposed in the permit application will not have unacceptable significant or cumulative effect upon
3528 the interests protected by this bylaw. Failure to provide adequate evidence to the Commission
3529 supporting this burden shall be sufficient cause for the Commission to deny such permit or to grant a
3530 permit with conditions.

3531

3532 **ART. 7.31. SECTION 9. Permits and Conditions**

3533 If, after said hearing, the Commission determines that the activities which are subject to the permit
3534 application are likely to have a significant or cumulative effect upon the interests protected by this bylaw,
3535 the Commission, within 21 days of the close of the public hearing or such further time as the Commission
3536 and the applicant shall agree on, shall issue or deny a permit for the activities proposed. If it issues a
3537 permit, the Commission shall impose conditions which it deems necessary or desirable to protect those
3538 interests, and all work shall be done in accordance with those conditions.

3539

3540 The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for
3541 failure to submit necessary information and plans requested by the Commission; for failure to meet the
3542 design specifications, performance standards, and other requirements in regulations of the Commission;
3543 for failure to avoid or prevent unacceptable significant or cumulative effects upon the interests protected
3544 by this bylaw; and where no conditions are adequate to protect those interests. Due consideration shall
3545 be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public
3546 hearing.

3547

3548 Lands within 200 feet of perennial rivers and streams, and lands within 100 feet of other resource areas,
3549 are presumed important to the protection of these resources because activities undertaken in close
3550 proximity to resource areas have a high likelihood of adverse impact upon the wetland or watercourse,
3551 either immediately, as a consequence of construction, or over time, as a consequence of daily operation
3552 or existence of those activities. In addition, such areas are often vital to the preservation of species that
3553 depend on wetlands for food or reproduction. The Commission therefore will require that the applicant
3554 maintain a fifty-foot wide continuous strip of undisturbed vegetative cover within the 200-foot (or 100-
3555 foot) area. A variance to this criteria may be granted under three circumstances: 1) if the applicant
3556 demonstrates that the proposed project will have no adverse affect on any of the interests protected by
3557 this bylaw; 2) if the project is a rare or unusual case; and 3) if the project is not approved by the
3558 Commission this action will restrict the use of the property to such an extent to constitute a constitutional
3559 taking without compensation. If no evidence is supplied to support the claims that the project meet the
3560 specified criteria above the hearing will be delayed or continued until this information is provided, or the
3561 project request will be denied without prejudice.

3562

3563 To prevent wetlands loss, the Commission shall require applicants to avoid wetlands alteration wherever
3564 feasible, to minimize wetlands alteration, and where alteration is unavoidable, to incorporate mitigation
3565 measures into the project design.

3566

3567 A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission
3568 in its discretion may issue a permit expiring five years from the date of issuance for recurring or
3569 continuous maintenance work, provided that annual notification of time and location of work is given to
3570 the Commission. Any permit may be renewed for up to three years, unless otherwise set by the

3571 Commission, provided that a request for a renewal is received in writing by the Commission one month
3572 prior to expiration.

3573
3574 For good cause the Commission may revoke a permit or determination issued under this bylaw after
3575 notice to the holder of the permit or determination, notice to the public, abutters, and town boards,
3576 pursuant to Paragraphs F. and G., and a public hearing.

3577
3578 The Commission in an appropriate case may combine the permit or determination issued under this bylaw
3579 with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act,
3580 G.L.C. 131, Sec. 40, and Regulations 310, CMR 10.00.

3581
3582 No work proposed in any permit application shall be undertaken until the permit issued by the
3583 Commission with respect to such work has been recorded in the Registry of Deeds or, if the land affected
3584 is registered land, in the registry section of the land court for the district wherein the land lies, and until
3585 the holder of the permit certifies in writing to the Commission that the permit has been recorded.

3586
3587 **ART. 7.31. SECTION 10. Security**

3588 As part of a permit issued under this bylaw, the Commission may require, in addition to any security
3589 required by any other town or state board, commission, agency or officer, that the performance and
3590 observance of the conditions imposed hereunder be secured wholly or in part by one or more of the
3591 methods described below:

3592
3593 i. by a proper bond or deposit of money or negotiable securities, sufficient in the opinion of the
3594 Conservation Commission to secure performance of the conditions and observance of the
3595 safeguards of such permit, to be released upon the issuance of a certificate of compliance for
3596 work performed pursuant to the permit; or,

3597
3598 ii. by a conservation restriction, easement, or other covenant enforceable in a court of law,
3599 executed and duly recorded by the owner of record, running with the land to the benefit of the
3600 Commission whereby the permit conditions shall be performed and observed before any lot may
3601 be conveyed other than by mortgage deed.

3602
3603 **ART. 7.31. SECTION 11. Regulations**

3604 The Commission shall promulgate after due notice and public hearing Rules and Regulations to effectuate
3605 the purposes of this bylaw. Failure by the Commission to promulgate such rules and regulations or a
3606 legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this
3607 bylaw.

3608
3609 At a minimum these regulations shall define key terms in this bylaw not inconsistent with the bylaw and
3610 procedures governing the amount and filing of fees.

3611
3612 **ART. 7.31. SECTION 12. Enforcement**

3613 No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by
3614 this bylaw, or cause, suffer, or allow such activity to continue or allow such fill or other alteration to be
3615 left in place, without the required authorization pursuant to this bylaw.

3616
3617 The Commission, its agents, officers, and employees shall have authority, with prior approval from the
3618 property owner or pursuant to court process, to enter upon privately owned land for the purpose of
3619 performing their duties under this bylaw and may make or cause to be made such examinations, surveys,
3620 or sampling as the Commission deems necessary.

3621
3622 The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder
3623 by violation notices, administrative orders, and civil and criminal court actions. Any person who violates

3624 provisions of this bylaw may be ordered to restore the property to its original condition and take other
3625 action deemed necessary to remedy such violations.

3626
3627 Upon request of the Commission, the Town Administrator and the Town Counsel shall take legal action
3628 for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal
3629 action for enforcement under criminal law. [amended ATM 6-8-15, art. 33]

3630
3631 Municipal boards and officers, including any police officer or other officer having police powers, shall have
3632 authority to assist the Commission in enforcement.

3633
3634 Any person who violates any provision of this bylaw, or regulations, permits, or administrative orders
3635 issued thereunder, shall be punished by a fine in the amount specified in ART. 4.70, SECTION 7.B. Each
3636 day or portion thereof during which a violation continues, or unauthorized fill or other alteration remains
3637 in place, shall constitute a separate offense, and each provision of the bylaw regulations, permits, or
3638 administrative orders violated shall constitute a separate offense. [amended ATM 6-8-15, art. 34]

3639
3640 As an alternative to criminal prosecution in a specific case, the Commission may issue citations under the
3641 non-criminal disposition procedure set forth in M.G.L. c. 40, s. 21D.

3642
3643 **ART. 7.31. SECTION 13. Appeals**

3644 A decision of the Commission shall be reviewable in the Superior Court in an action filed within 60 days
3645 thereof, in accordance with General Laws chapter 249, Section 4.

3646
3647 **ART. 7.31. SECTION 14. Relations to Wetlands Protection Act**

3648 This Bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home
3649 Rule statutes, independent of the Wetlands Protection Act, G.L.C. 131, Sec. 40, and regulations 310, CMR
3650 10.00, thereunder.

3651
3652
3653 **ARTICLE 7.40. Open Space Committee**

3654 [amended ATM 6-9-14, art. 21]

3655
3656 **ART. 7.40. SECTION 1. General**

3657 **A.** There shall be a standing *committee* to be known as the "Open Space Committee."

3658
3659 **B.** Such Committee shall be appointed by the Board of Selectmen, and shall consist of seven (7) full
3660 members and two (2) alternate members.

3661
3662 **ART. 7.40. SECTION 2. Role and Responsibilities**

3663 **A.** The primary purpose of the Open Space Committee shall be to promote the preservation of land
3664 in the Town of Wrentham as Open Space.

3665
3666 **B.** Other areas of responsibility include but are not limited to the following:

3667
3668 **i.** The Committee shall make recommendations to the Board of Selectmen regarding any
3669 parcels of land which become available to the Town under the provisions of Chapters 61,
3670 61A, or 61B.

3671
3672 **ii.** The Committee may make recommendations to the Town regarding the financing and
3673 facilitating of open space preservation, in the best interest of the Town.

3674
3675 **iii.** The Committee may make recommendations to the Town regarding bylaws and zoning
3676 bylaws, as they relate to open space preservation.

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ARTICLE 7.60. Building Inspector

ART. 7.60. SECTION 1. Appointment of Inspectors

- A. The Town Administrator shall appoint an inspector of gas piping, and gas appliances in buildings who shall be a licensed plumber or licensed gas fitter. The Town Administrator shall also appoint one or more plumbing inspectors (or assistant plumbing inspectors), who shall be licensed plumbers having practical experience in that trade. Said appointments shall be for a period of three years. The duties of the plumbing inspectors and the inspector of gas piping shall be those outlined in M.G.L. chapter 142, section 11 and 12. [amended ATM 6-8-15, art. 33]
- B. The Town Administrator shall also appoint an Inspector of Wires (to be known locally by the title "Electrical Inspector") and may also appoint an Assistant Inspector. Said appointments shall be for a period of three years. The duties of said Electrical Inspector outlined in M.G.L. chapter 166, section 32 and 32A. . [amended ATM 6-8-15, art. 33]

ART. 7.60. SECTION 2. Demolition of Historically Significant Properties

[STM 10/15/01]

A. Intent and Purpose

This Bylaw is enacted for the purpose of protecting the historic and aesthetic qualities of the Town by encouraging the preservation of historically or architecturally significant buildings and structures within the Town, and to encourage owners of such properties to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings or structures rather than demolish them, and to allow an appropriate historical record of such buildings and structures to be created.

B. Definitions

- 1. Building: A fixed combination of any materials, having a roof, common walls and passageway areas, and forming a structure for the shelter of persons, animals or property.
- 2. Commission: The Wrentham Historical Commission
- 3. Inspector: The Wrentham Building Commissioner. [amended ATM 6-8-15, art. 33]
- 4. Demolition: Any act of willfully pulling down, destroying, removing or razing a building or structure, or commencing the work of total or substantial destruction with the intent of completing the same.
- 5. Significant Building or Structure:
 - i. Any building or structure listed on the National Register or eligible for National Register listing.
 - ii. Any building or structure researched and found by the Commission to be historically significant, or architecturally significant in terms of construction, or by association with an important architect, builder, person or event.

C. Procedure

- 1. Within seven (7) days of receipt of an application for a demolition permit for a building or structure which is fifty (50) years or older, the inspector shall forward a copy of this application to the Commission. **No demolition permit should be issued at that time, and no demolition may occur.**

3729 The application shall include all current Field Cards from the Board of Assessors for the
3730 subject property, as well as a description of the demolition intended, including a list of all
3731 structures or portions thereof to be demolished.
3732

3733 2. Within thirty (30) days from the Building Inspector's receipt of a complete demolition permit
3734 application, the Commission shall determine whether the structure is historically or
3735 architecturally significant. If the Commission determines the building or structure **is not**
3736 considered significant, the Commission shall so notify the Inspector in writing and the
3737 Inspector may issue a demolition permit.
3738

3739 3. If the building or structure **is** determined to be significant, the Commission shall so notify the
3740 owner and the Inspector in writing, and the Inspector shall not issue a demolition permit for
3741 a period of twelve (12) months from the date of the application, unless the Commission
3742 informs the Inspector prior to the expiration of said twelve (12) months that the applicant for
3743 the demolition has made a reasonable but unsuccessful effort to locate a purchaser for the
3744 building or structure, or one who is willing to preserve, rehabilitate or restore the building or
3745 structure, or has agreed to accept a demolition permit on specified conditions approved by
3746 the Commission. If the Commission does not determine that the building or structure is
3747 considered significant within 30 days of the Building Inspector's receipt of a complete
3748 demolition permit application, the Inspector may issue a demolition permit.
3749

3750 **D. Emergency Demolition**

3751 Nothing in this bylaw shall restrict the Building Inspector from immediately ordering the
3752 demolition of any building or structure in the event of an imminent danger to the safety of the
3753 public.
3754

3755 **E. Enforcement and Remedies**

3756 1. The Building Inspector and/or the Commission, as well as the Town, are authorized to
3757 institute any and all actions and proceedings, in law or equity, as they may deem necessary
3758 and appropriate to obtain compliance with the requirements of this bylaw or to prevent a
3759 threatened violation thereof.
3760

3761 2. No building permit shall be issued with respect to any premises upon which a building fifty
3762 (50) years or older has been voluntarily demolished with disregard for the provisions of the
3763 bylaw, for a period of three (3) years after the date of the cessation of such demolition. As
3764 used herein, "premises" refers to the land contained within the parcel upon which the
3765 demolished building or structure was located and the land contained within all adjoining
3766 parcels under common ownership or control, whether subdivided or re-divided.
3767

3768 3. No permit for the erection of a new structure on the site of an existing building determined
3769 to be a preferably-preserved significant building or structure may be issued prior to issuance
3770 of a permit for demolition of such existing buildings.
3771

3772 **F. Appeal**

3773 Appeal from decisions or determinations of the Commission or Inspector may be made to the
3774 Zoning Board of Appeals.
3775
3776
3777

3778 **ARTICLE 7.70. Board of Health**
3779

3780 **ART. 7.70. SECTION 1. Building on Shores of Lakes Pearl, Archer and Mirror**

3781 No building permit, foundation permit, or special building permit shall be issued nor shall any work which
3782 is the subject of such permits, be performed on any property along the shore line of Lake Pearl, Lake
3783 Archer, Mirror Lake without prior approval of the Wrentham Board of Health. The Board of Health shall
3784 not give approval unless, in its opinion, the sewage disposal system is adequate to serve any existing
3785 uses as well as the proposed use without violation of town and state health and environmental
3786 regulations in effect at the time of application for the proposal.
3787

3788 **ART. 7.70. SECTION 2. Enforcement and Penalties of Rules and Regulations**

3789 Any rule or regulation promulgated by the Board of Health pursuant to G.L. c. 111, §31 or any other
3790 provision of the General Laws, and for which a specific penalty of not more than \$300 is provided in such
3791 rule or regulation, may be enforced by the non-criminal disposition provisions of G.L. c. 40, §21D. Any
3792 member of the Board of Health, an agent of the Board of Health, or any duly appointed member of the
3793 Wrentham Police Department taking cognizance of a violation of a rule or regulation of the Board of
3794 Health, as an alternative to initiating criminal proceedings, may give to the offender written notice of said
3795 violation in the form specified in M.G.L. c. 40, s. 21D, and the violation shall be disposed of as provided in
3796 that statute. (ATM 4/28/03)
3797

3798 **ART. 7.70. SECTION 3. Carting Materials on the Streets of the Town**

3799 No person shall cart or convey garbage, manure, swill, rubbish, or filth of any kind nor any noxious or
3800 refuse liquid or solid matter or substance in any public street or place, excepting in the manner provided
3801 by the Board of Health.
3802

3803 **ART. 7.70. SECTION 4. Reduction of Single-Use Plastic Bags**

3804
3805 SECTION 1 — FINDINGS AND INTENT FINDINGS:

3806
3807 The production and use of thin-film single-use plastic check-out bags have significant impacts on the
3808 environment, including, but not limited to: contributing to the potential death of marine animals through
3809 ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid
3810 waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions
3811 of barrels of crude oil nationally for their manufacture.
3812

3813 The purpose of this Bylaw is to eliminate the usage of thin-film single-use plastic bags by all retail
3814 establishments in the Town of Wrentham.
3815

3816 Currently, 93 Massachusetts cities and towns, including Attleboro, Mansfield, Natick, Wayland, and much
3817 of Cape Cod have passed plastic bag bans, and more have bylaws pending.
3818

3819 INTENT:

3820
3821 The Town of Wrentham hereby enacts this bylaw to help reduce the deterioration of the environment and
3822 the ensuing potential health risks by eliminating the use of the thin-film single-use plastic check-out bags
3823 at the point of sale and promoting the use of reusable check-out bags.
3824
3825

3826 SECTION 2 — DEFINITIONS

3827

3828 PLASTIC CHECK-OUT BAG: A plastic check-out bag is a thin film plastic bag, typically with handles,
3829 constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density
3830 polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other
3831 than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness provided to
3832 a customer by a retail establishment and used to transport merchandise from the establishment. Plastic
3833 check-out bags do not include those plastic bags typically without handles used to contain dry cleaning,
3834 newspapers, or small bags used to contain fish, meat, produce or other products provided to the
3835 consumer, free of charge, to deliver the items to the point of sale.

3836

3837 REUSABLE CHECK-OUT BAG: "Reusable Check-out bag" shall mean a sewn bag with stitched
3838 handles that is specifically designed for multiple reuse and that

3839

3840 1) can carry 25 pounds over a distance of 300 feet;

3841 2) is machine washable; and,

3842 3) is either

3843 a) made of natural fibers (such as cotton or linen); or

3844 b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is
3845 generally considered a food-grade material that is more than 4 mils thick.

3846

3847 These bags are generally sold to the customer for a reasonable cost.

3848

3849 RECYCLABLE PAPER BAG: A paper bag that is 100% recyclable and contains at least 40% post-
3850 consumer recycled paper content and is provided free of charge to the customer.

3851

3852 RETAIL ESTABLISHMENT: Any retail space located in the town including without limitation a restaurant,
3853 food or ice cream truck, convenience store, retail pharmacy, or supermarket.

3854

3855 SECTION 3 — PLASTIC CHECK-OUT BAG PROHIBITION

3856

3857 No retail establishment in the town of Wrentham as defined in Section 2, shall provide plastic check-out
3858 bags, as defined in Section 2. Retail establishments in the town of Wrentham, as defined in Section 2,
3859 shall only provide reusable check-out bags that comply with the definition in Section 2, or recyclable
3860 paper bags, as defined in Section 2, at the point of sale.

3861

3862 SECTION 4 — ENFORCEMENT

3863

3864 This Bylaw may be enforced by any agent of the Board of Health by:

3865

3866 1) Inspection and investigation

3867 2) The issuance of violation notices and administrative orders

3868 3) Civil court actions

3869

3870 Whoever, himself or by his servant or agent or as the servant or agent of any other person or firm or
3871 corporation, violates any of the provisions of these regulations, may be penalized by a noncriminal
3872 disposition process as provided in M.G.L.c. 40, s.21D.

3873

3874

3875 Each retail establishment shall comply with this by-law.

3876

3877 1) If it is determined that a violation has occurred, the Board of Health shall issue a warning notice to
3878 the retail establishment for the initial violation.

3879 2) If an additional violation of this by-law has occurred within one year after a warning notice has
3880 been issued for an initial violation, the Board of Health shall issue a notice of violation and shall
3881 impose a penalty against the retail establishment.

3882 3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more
3883 than:

3884 a) Written warning for the first offense

3885 b) \$50 for the second offense

3886 c) \$100 for all subsequent offenses.

3887 4) Payment of such fines may be enforced through civil action in the state District Court.

3888

3889 SECTION 5 — EFFECTIVE DATE

3890

3891 All of the requirements set forth in this bylaw shall take effect within six (6) months of the
3892 approval of the Office of the Massachusetts State's Attorney General and satisfaction of the
3893 posting/publication requirements of G.L.c.40, s.32 for retail establishments with a floor area equal
3894 to or exceeding 3,500 square feet. This by-law will take effect one (1) year after passage for retail
3895 establishments less than 3,500 square feet. The Board of Health may exempt a retail
3896 establishment from the requirements of this section for an additional period of up to six (6)
3897 months upon a finding by the Board of Health that (1) the requirements of this section would
3898 cause undue hardship; or (2) a retail establishment requires additional time in order to draw down
3899 an existing inventory of thin-film, single-use plastic check-out bags.

3900

3901 SECTION 6 — REGULATIONS

3902

3903 1) The Board of Health may adopt and amend rules and regulations to effectuate the purposes
3904 of this bylaw.

3905

3906 SECTION 7 — SEVERABILITY

3907

3908 1) If any provision of this bylaw shall be held to be invalid by a court of competent jurisdiction,
3909 then such provision shall be considered separately and apart from the remaining provisions
3910 of this bylaw, which shall remain in full force and effect.

3911

3912

3913 **ARTICLE 7.80. Technical Review Committee**

3914

3915 **ART. 7.80. SECTION 1. General**

3916 [amended ATM 6-9-14, art. 21]

3917 **A.** It is the intention of the Town that every department, board and *committee*, and their agents
3918 and employees, (boards) that are responsible for reviewing and/or acting on applications for the
3919 sub-division or development of land, especially within the business and commercial zoning
3920 districts, shall act expeditiously and in concert with those boards that are also reviewing and/or
3921 acting on the application. [amended ATM 6-8-15, art. 35]

3922

3923 Said boards and committees protect the Town by cooperating and collaborating with each other,
3924 communicating their findings to other affected boards on a timely basis, and giving due
3925 consideration to the findings of other affected boards so that the goals of the State Statutes and
3926 the Town's Bylaws are administered in a manner that is consistent between boards. The boards
3927 shall also foster the Town's best interest by concluding their reviews and issuing their decisions in

3928 a timely manner. This practice reinforces local jurisdiction, encourages community-supported
3929 projects, preserves local resources, and maintains the standard of review. In addition, this
3930 process is intended to improve the quality of applications that are received by facilitating the
3931 process that applicants must follow by making permitting more predictable, equitable, cost
3932 effective, and efficient.

3933
3934 **B.** The Town Planner shall provide information about the function of the Technical Review
3935 Committee to all persons who seek to submit or who are submitting applications to the Planning
3936 Board for that Board's approval. The Town Planner shall provide this information in as timely a
3937 manner as possible, and shall assist any applicant or potential applicant to meet with the
3938 Technical Review Committee and access that committee's services. [added ATM 6-9-14, art. 21]
3939

3940 **C.** The Boards shall accomplish these purposes by acting jointly, as the Technical Review Committee
3941 (TRC). The TRC shall consist of eight members, including the Town Planner, Health Agent,
3942 Conservation Agent, (or representatives of the Planning Board, Board of Health, Conservation
3943 Commission if the appropriate staff member is not available), Police Department, Fire
3944 Department, Department of Public Works, Commission on Disabilities, and Building Inspection
3945 Department. The representatives shall be appointed by the Board of Selectmen on the
3946 recommendation of the Chairperson or head of the respective elected board, committee or
3947 department. [amended ATM 6-8-15, art. 35]
3948

3949 **ART. 7.80. SECTION 2. Role and Responsibility**

3950 **A.** The TRC shall act only in an advisory capacity by helping development and permit applicants to
3951 identify the bylaws, requirements, rules and regulations with which they are expected to comply;
3952 and, assisting boards in the review of proposed projects by identifying the salient issues
3953 regarding projects with which the Town is rightly concerned.
3954

3955 **B.** The TRC shall:

- 3956 **i.** Meet with prospective permit applicants to listen to the prospective applicant's ideas for
3957 development and share information;
- 3958 **ii.** Inform the prospective applicant of the Town's bylaws, requirements, rules and
3959 regulations with which the applicant and the proposed project must conform (however,
3960 this in no way changes the applicant's responsibility to inform himself/herself of all
3961 applicable state and local laws and requirements pertaining to his/her proposed project);
3962
- 3963 **iii.** Advise prospective permit applicants of the most efficient sequence of steps that the
3964 applicant should pursue, such as determination of zoning followed by delineation of
3965 wetlands;
- 3966 **iv.** Assist the boards by identifying the salient issues regarding proposed development
3967 projects with which the Town is rightly concerned; and,
3968
- 3969 **v.** Facilitate communication among the boards and professional staff who regulate and
3970 permit growth and land use.
3971
3972
3973
3974

3975 **ARTICLE 7.90. Economic Development Commission**

3976 [M.G.L. Chapter 40, Section 8A accepted by Town Meeting on 3/14/60, however, Town Meeting's action
3977 did not include amending the General Bylaws; added, ATM 6-9-14, art. 18]
3978

3979 **ART. 7.90. SECTION 1. General**

3980 **A.** There shall be a standing *committee* known as the Economic Development Commission as
3981 authorized by M.G.L, c. 40, s. 8A.

3982
3983 **B.** The Commission shall be comprised of seven (7) members who shall be appointed by the Board
3984 of Selectmen. The term of appointment shall be five (5) years.

3985
3986 **ART. 7.90. SECTION 2. Role and Responsibility**

3987 **A.** The Commission shall enhance Wrentham's economy by investigating current economic
3988 conditions and assisting the Town with the formation and execution of appropriate economic
3989 development and marketing opportunities.

3990
3991

- 3992 **B.** The Commission shall:
3993 **i.** serve as a resource for the Town's *elected boards, committees*, and staff with respect to
3994 economic development opportunities, strategic planning initiatives and other matters
3995 impacting economic development;
3996
3997 **ii.** coordinate economic development activities amongst such organizations; and,
3998
3999 **iii.** provide recommendations on specific economic development proposals when the
4000 Commission deems it to be in the best interests of the Town residents to provide such
4001 recommendations.

4002
4003
4004 **ARTICLE 7.100. Host Community Committee**

4005
4006 **ART. 7.100. SECTION 1. General**

4007 [amended ATM 6-9-14, art. 21]

- 4008 **A.** There shall be a standing *committee* known as the Host Community Committee.
4009
4010 **B.** The Committee shall be appointed by the Moderator, and consist of:
4011 **i.** Voting Members – a member of the Board of Selectmen, a member of the Finance
4012 Committee, two (2) citizens at-large, one (1) member of the Economic Development
4013 Committee, and two (2) alternate members from the citizens at-large to fill the seats of
4014 any member(s) who cannot act on a matter due to a conflict of interest, whether such
4015 conflict is personal or relates to the performance of inconsistent statutory duties.
4016 [amended ATM 6-8-15, art. 35]
4017
4018 **ii.** *Ex-officio* Non-Voting Members – The Fire Chief, the Police Chief, the Building Inspector,
4019 the Superintendent of the Department of Public Works, the Superintendent of the
4020 Wrentham Public Schools, the Finance Director or his/her designee, and the Town
4021 Administrator. [amended ATM 6-8-15, art. 35]
4022

4023 **ART. 7.100. SECTION 2. Role and Responsibility**

- 4024 **A.** The Committee shall meet and work with developers to minimize the financial or other impact on
4025 the Town, as the result of any proposed project(s) or development(s). [added ATM 6-9-14, art.
4026 21]
4027
4028 **B.** In meeting with a developer, the Committee shall consider the relative impact, benefit and cost
4029 to the Town of the proposed development and the effect it will have on the Town in general and
4030 its financial condition. The recommendations of the Committee shall be those of a majority of
4031 the voting members of the Committee, but this shall not be construed to prevent
4032 recommendations of the minority as such.
4033
4034 **C.** While fulfilling its responsibilities the Committee may request comments or information from any
4035 town official or employee who shall give the Committee their full cooperation to identify, evaluate
4036 and quantify the financial or other impact on the Town. [added ATM 6-8-15, art. 35]
4037
4038 **D.** The Committee shall make a report and recommendation to Town Meeting on its meeting(s) with
4039 any developer proposing a project in the community that requires a change in the Town's Zoning
4040 Bylaws, and which impacts the proposed project.
4041
4042

4043 **ARTICLE 7.110. Community Preservation Committee** [added STM 11-14-16, art. 18]
4044

4045 **ART. 7.110. SECTION 1. General**

4046 Under the provisions of the Massachusetts Community Preservation Act (Sections 3 through 7 inclusive
4047 of M.G.L., Chapter 44B), there is hereby established in the Town of Wrentham a Committee to be known
4048 as the "Community Preservation Committee".
4049

4050 **ART. 7.110. SECTION 2. Role and Responsibility**

4051 **A.** Such Committee shall consist of nine (9) members as described below:

- 4052 • one member of the Conservation Commission established under Section 8C of M.G.L.,
4053 Chapter 40, as designated by that commission
- 4054 • one member of the Historical Commission established under Section 8D of said Chapter 40,
4055 as designated by that commission
- 4056 • one member of the Planning Board established under Section 81A of M.G.L., Chapter 41 and
4057 Article 3, Section 3.7 of the Charter of the Town of Wrentham, as designated by that board
- 4058 • one member of the Board of Park Commissioners established under Section 2 of M.G.L.,
4059 Chapter 45, as designated by the Board of Selectmen in their role as the Board of Park
4060 Commissioners
- 4061 • one member of the Housing Authority established under Section 3 of M.G.L., Chapter 121B
4062 and Article 3, Section 3.10 of the Charter of the Town of Wrentham, as designated by that
4063 authority
- 4064 • one member of the Open Space Committee established under Article 7.40 of these bylaws, as
4065 designated by that committee
- 4066 • one member of the Recreation Committee established under Article 8.30 of these bylaws, as
4067 designated by that committee
- 4068 • two (2) at-large citizen members, who shall not be paid employees of the Town nor members
4069 of any Town body which designates or appoints members to this Committee, appointed by the
4070 Board of Selectmen

4071 **B.** The designees of the above-listed municipal entities shall be appointed forthwith to the
4072 Committee by the Board of Selectmen.
4073

4074
4075 All terms shall expire on June 30. Each Committee member's term shall be for three years,
4076 except for the Committee's initial appointments, which shall be as stated below, so as to have an
4077 equal number of terms expiring each year:
4078

- 4079 • the initial appointment of the Conservation Commission member, the Historical Commission
4080 member and the Planning Board member shall each be for three years
- 4081 • the initial appointment of the Board of Park Commissioners member, the Housing Authority
4082 member and one at-large citizen member shall each be for two years
- 4083 • the initial appointment of the Open Space Committee member, the Recreation Committee
4084 member and one at-large citizen member shall each be for one year

4085
4086 The initial appointments of the Committee shall be made in accordance with Section F of this
4087 Article. The tenure of any initial term beginning less than 180 days prior to June 30 shall be
4088 calculated as if starting on July 1, so that, for example, a member appointed in April for an initial
4089 one-year term may serve that term until June 30 of the following year.
4090

4091 At the initial appointment, the Board of Selectmen shall assign to one Committee member the
4092 responsibility to call the Committee to its initial meeting.
4093

4094 If a designating body's member leaves the Committee for any reason, the designating body shall
4095 within thirty days submit to the Board of Selectmen the name of one of its members as a
4096 replacement to serve for the remainder of the unexpired term. The Board of Selectmen shall
4097 forthwith appoint the replacement to the Committee. The Board of Selectmen shall similarly

4098 appoint a replacement for a departing at-large citizen member to serve the remainder of that
4099 member's unexpired term.

4100
4101 **C.** The Community Preservation Committee shall study the needs, possibilities, and resources of the
4102 Town regarding community preservation. The Committee shall consult with existing municipal
4103 boards, including the Conservation Commission, the Historical Commission, the Planning Board,
4104 the Board of Park Commissioners, the Open Space Committee, the Recreation Committee and
4105 the Housing Authority. As part of its study, the Committee shall hold one or more public
4106 informational hearings each year on the needs, possibilities and resources of the Town regarding
4107 community preservation possibilities and resources, notice of which shall be posted publicly and
4108 published for each of the two weeks preceding a hearing in a newspaper of general circulation in
4109 Wrentham.

4110 **D.** The Community Preservation Committee shall make recommendations to Town Meeting for the
4111 acquisition, creation and preservation of open space; for the acquisition, preservation,
4112 rehabilitation and restoration of historic resources; for the acquisition, creation, preservation,
4113 rehabilitation and restoration of property for recreational use; for the acquisition, creation,
4114 preservation and support of community housing; and for the rehabilitation or restoration of open
4115 space and community housing that is acquired or created as provided in this section. With
4116 respect to community housing, the Committee shall recommend, wherever possible, the reuse of
4117 existing buildings or construction of new buildings on previously developed sites.

4118 The Community Preservation Committee may include, in its recommendation to the Town
4119 Meeting, a recommendation to set aside for later spending funds for specific purposes that are
4120 consistent with community preservation but for which sufficient revenues are not then available in
4121 the Community Preservation Fund to accomplish that specific purpose, or to set funds aside for
4122 later spending for general purposes that are consistent with community preservation. The
4123 Committee may recommend the issuance of general obligation bonds or notes in anticipation of
4124 revenues to be raised pursuant to the Massachusetts Community Preservation Act.

4125
4126 In every fiscal year, the Community Preservation Committee shall recommend in accordance with
4127 M.G.L., Chapter 44B, either that Town Meeting spend, or set aside for later spending, not less
4128 than ten percent (10%) of the annual revenues of the Town's Community Preservation Fund in
4129 each of the following areas: (a) open space and land for recreational use, (b) historic resources,
4130 and (c) community housing.

4131
4132 No expenditures shall be made from the Community Preservation Fund without the approval of
4133 Town Meeting. Town Meeting may not appropriate or reserve any Community Preservation Fund
4134 monies on its own initiative without a prior recommendation by the Committee. Town Meeting
4135 may, however, approve such additional non-Fund appropriations as it deems appropriate to carry
4136 out the recommendation of the Committee. Subject to and without limitation of the foregoing, in
4137 performing the duties and responsibilities of the legislative body as set forth in the Community
4138 Preservation Act, Town Meeting shall, in its sole and absolute discretion, have the power and
4139 authority to accept, reject or modify, in whole or in part, any recommendation by the Community
4140 Preservation Committee.

4141
4142 The Community Preservation Committee shall submit a recommendation for Town Meeting
4143 approval for annual administrative and operating expenses for the Committee, in an amount not
4144 to exceed five percent (5%) of the annual revenues of the Community Preservation Fund.

4145
4146 The Committee shall comply with the provision of the Open Meeting Law (G.L. c.39, s23B). The
4147 Committee shall keep a full and accurate account of all of its actions including its
4148 recommendations and the action taken on them, and records of all appropriations or expenditures
4149 made from the Community Preservation Fund. The records of the Committee shall be public
4150 records, to the full extent provided by law.

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E. Requirement for a Quorum and Cost Estimate Requirement

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Committee shall constitute a quorum. The Committee shall approve its actions by majority vote of the quorum. Recommendations to Town Meeting shall include anticipated costs of the proposed appropriation and a description of the project.

F. Amendments

This section may be amended from time to time by a majority vote of Town Meeting, provided that such amendment would not cause a conflict to occur with M.G.L., Chapter 44B.

G. Severability

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

H. Effective Date

This bylaw shall take effect after all requirements of M.G.L., Chapter 40, Section 32 have been met, including approval by the Attorney General of the Commonwealth, and the acceptance of M.G.L., Chapter 44B, Sections 3 through 7 inclusive, by the Town at a town-wide election. Each designating body shall make its initial designation within sixty days after the later of approval of this bylaw by the Attorney General, or acceptance of M.G.L., Chapter 44B, Sections 3 through 7 inclusive, at a town-wide election. The Board of Selectmen shall appoint said designees and the citizen members at-large within ninety days after the later of approval of this bylaw by the Attorney General, or acceptance of M.G.L., Chapter 44B, Sections 3 through 7 inclusive, at a town-wide election.

4185 **TITLE VIII: HUMAN SERVICES**

4186
4187
4188 **ARTICLE 8.10. Council on Aging**

4189 [ATM 4-3-72, art. 57; amended ATM 6-9-14, art. 21]

4190
4191 **ART. 8.10. SECTION 1. General**

- 4192 **A.** There shall be a standing committee known as the Council on Aging, as authorized by M.G.L. c.
4193 40, s. 8B.
4194
4195 **B.** The Council shall consist of seven (7) members who shall be appointed by the Board of
4196 Selectmen.
4197

4198 **ART. 8.10. SECTION 2. Role and Responsibility**

- 4199 **A.** The Council shall coordinate or carry out programs designed to meet the problems of the aging in
4200 co-ordination with programs of the Commission on Aging established under M.G.L. c. 6, s.73.
4201
4202 **B.** Whenever the Council implements, evaluates, or significantly modifies its programs and services
4203 it shall first obtain input from the senior manager of other appropriate town departments and
4204 *committees*, such as the Police Chief, Fire Chief, and Recreation Director. Such consultation and
4205 collaboration shall be to undertaken to assure that the services and programs of every agency of
4206 the Town of Wrentham that serves the elderly are fully coordinated and delivered effectively and
4207 efficiently. [added ATM 6-9-14, art. 21]
4208
4209

4210 **ARTICLE 8.20. Veterans Agent [reserved]**

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4212
4213 **ARTICLE 8.30. Recreation Commission**

4214 [Art. 3, ATM April 28, 1975. Town Meeting's action amended its earlier action, but did not amend the
4215 General Bylaws.; amended ATM 6-9-14, art. 18]
4216

4217 **ART. 8.30. SECTION 1. General**

- 4218 **A.** There shall be a standing *committee* known as the Recreation Commission as authorized by
4219 M.G.L. c. 45, s. 14. [ATM, 3-7-66, art. 3. Town Meeting's action did not include amending the
4220 bylaws.] [amended ATM 6-8-15, art. 35]
4221
4222 **B.** The Commission shall consist of nine (9) members who shall be appointed by the Board of
4223 Selectmen.
4224

4225 **ART. 8.30. SECTION 2. Role and Responsibility**

- 4226 **A.** The Commission shall serve as advisory committee to the Selectmen and study any appropriation
4227 prior to Selectmen approval of any recreational expenditure.
4228
4229 **B.** Further, the Commission shall act as agents of the selectmen in the following responsibilities:
4230 **i.** the operation of all recreational facilities of the town;
4231 **ii.** the expending of total Recreation Funds including Sweatt Funds expended for recreation;
4232 and,
4233 **iii.** future planning for recreation within the town.
4234
4235 **C.** The Commission may operate self-supporting recreation and services as provided by M.G.L. c. 44, s. 53D.
4236 [M.G.L. c. 44, s. 53D accepted by town meeting, May 4, 1991.; added ATM 6-9-14, art. 21]
4237

4238 **ARTICLE 8.40. Commission on Disability**
4239 [M.G.L. c. 40, s. 8J accepted by town meeting 4/28/03, however, Town Meeting did not act to amend the
4240 General Bylaws.; added ATM 6-9-14, art. 18]

4241
4242 **ART. 8.40. SECTION 1. General**

- 4243 **A.** There shall be a standing *committee* known as the Disability Commission as authorized by M.G.L.
4244 c. 40, s. 8J.
4245
4246 **B.** The Commission shall be comprised of five members who shall be appointed by the Board of
4247 Selectmen. The Board of Selectmen may vote to appoint up to four additional members,
4248 however, having done so, whenever any position remains vacant for more than sixty (60) days
4249 that position shall be discontinued without further action and may be reauthorized later by the
4250 Board of Selectmen. A majority of said Commission members shall consist of people with
4251 disabilities, one member shall be a member of the immediate family of a person with a disability
4252 and one member of said Commission shall be either an elected or appointed official.
4253

4254 **ART. 8.40. SECTION 2. Role and Responsibilities**

- 4255 **A.** The Commission shall coordinate or carry out programs that are designed to bring about full
4256 integration and participation of people with disabilities in the Town.
4257
4258 **B.** The Commission shall act as a centralizing force in the Town of Wrentham by providing
4259 information, referral, guidance, coordination, and technical assistance to public and private
4260 agencies, individuals, organizations and institutions engaged in activities and programs intended
4261 to eliminate discrimination against persons with disabilities.
4262
4263 **C.** The Commission shall also take such action as the Commission considers appropriate to ensure
4264 the equal access status of persons with disabilities, including:
4265
4266 **i.** encouraging public awareness of disability issues;
4267
4268 **ii.** collaborating with other boards, *committees*, and departments of the Town to bring about
4269 maximum participation of people with disabilities; and to assure that the services and
4270 programs of every agency of the Town of Wrentham that serves persons with disabilities
4271 are fully coordinated and delivered effectively and efficiently;
4272
4273 **iii.** initiating, promoting and monitoring promoting legislation at the town, state and federal
4274 level which advances the equal status of people with disabilities and ensure that
4275 appropriate regulations are adopted and enforced pursuant to such legislation.
4276
4277

4278 **ARTICLE 8.50. Library Trustees [reserved]**

4279
4280
4281 **ARTICLE 8.60. Cultural Council**
4282 [added ATM 6-9-14, art. 18]
4283

4284 **ART. 8.60. SECTION 1. General**

- 4285 **A.** There shall be a standing *committee* known as the Cultural Council as authorized by M.G.L, c. 10,
4286 s. 58.
4287
4288

- 4289 **B.** The Council shall be comprised of five (5) members who shall be appointed by the Board of
4290 Selectmen. The Board of Selectmen may vote to appoint up to seventeen (17) additional
4291 members, however, having done so, whenever any position remains vacant for more than sixty
4292 (60) days that position shall be discontinued without further action and may be reauthorized later
4293 by the Board of Selectmen.

4294
4295 **ART. 8.60. SECTION 2. Role and Responsibility**

- 4296 **A.** The Council shall conduct activities to promote and encourage the arts.
4297
4298 **B.** The Council may decide the distribution of arts lottery funds.

4299
4300
4301 **ARTICLE 8.70. Historical Commission**

4302
4303 [M.G.L. c. 40, s. 8D was accepted under Art. 49, ATM, March 28, 1967. However, Town Meeting's action
4304 did not include amending the General Bylaws.; added ATM 6-9-14, art. 18]

4305
4306 **ART. 8.70. SECTION 1. General**

- 4307 **A.** There shall be a standing *committee* known as the Historical Commission as authorized by M.G.L.,
4308 c. 40, s. 8D.
4309
4310 **B.** The Committee shall consist of seven (7) members who shall be appointed by the Board of
4311 Selectmen.

4312
4313 **ART. 8.70. SECTION 2. Role and Responsibility**

4314 The Commission shall act to preserve, protect and develop the historical or archeological assets of the
4315 Town.

4316
4317
4318 **ARTICLE 8.80. Elderly and Disabled Tax Aid Committee**

4319
4320 [M.G.L. Chapter 60, Section 3D was accepted by Town Meeting on June 14, 2004, however, Town
4321 Meeting's action did not include amending the General Bylaws.; added ATM 6-9-14, art. 18]

4322
4323 **ART. 8.80. SECTION 1. General**

- 4324 **A.** There shall be a standing *committee* known as the Elderly and Disabled Tax Aid Committee as
4325 authorized by M.G.L., c. 60, s. 3D.
4326
4327 **B.** The Committee shall consist of the chair of the Board of Assessors, the Treasurer and three
4328 residents of the city or town who shall be appointed by the Board of Selectmen, and the Director
4329 of the Council on Aging or his/her designee.

4330
4331 **ART. 8.80. SECTION 2. Role and Responsibility**

4332 The Committee shall carry out the provisions of M.G.L. c. 60, s. 3D to provide aid to elderly or disabled
4333 persons of low income to defray real estate taxes. In doing so, the Committee may seek input from the
4334 senior manager of other appropriate town departments and *committees*, such as the Council on Aging,
4335 Veterans, and Public Health Nurses.

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TITLE IX: EDUCATION

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ARTICLE 9.10. Wrentham Public School Committee [reserved]

ARTICLE 9.30. Scholarship Committee and Educational Fund Committee

[M.G.L. c. 60, s. 3C accepted by Town Meeting, June 14, 2004. However, Town Meeting’s action did not include amending the General Bylaws.; added ATM 6-9-14, art. 18]

ART. 9.30. SECTION 1. General

- A.** There shall be a standing *committee* to be known as the Scholarship Committee and Educational Fund Committee as authorized by M.G.L. c. 60, s. 3C.
- B.** The Committee shall comprised of the Superintendent of Schools or designee thereof, and no fewer than four residents of the city or town appointed by the Board of Selectmen

ART. 9.30. SECTION 2. Role and Responsibility

The Committee shall carry out the provisions of M.G.L. c. 60, s. 3C by selecting the recipients of and amounts of financial aid from the scholarship fund and educational fund.

ARTICLE 9.51. Regional Public Schools [reserved]

ART. 9.51. SECTION 1. King Phillip Regional Public Schools [reserved]

ART. 9.51. SECTION 2. Tri-County Vocational School [reserved]

ART. 9.51. SECTION 3. Norfolk Agricultural School [reserved]

4369 **APPENDIX A. STYLE OF CODIFICATION**
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4371
4372 **ARTICLE 1.00**

4373 **ART. 1.00, SECTION 1.**

4374 Paragraph A.

4375 Sub-Paragraph 1.

4376 Second Sub-Paragraph (a)

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4378 Third Sub-Paragraph (1)

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4380 Fourth Sub-Paragraph [A]

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4382 Lower case roman numerals (i. ii. iii.) are used to enumerate items in lists regardless of the level at
4383 which the list appears in the outline.

4384
4385 The legislative history including the date and article number of any action by Town Meeting is shown
4386 following the relevant article, section, or paragraph in the following format: [added/amended ATM 5-10-
4387 98, art. 12]

4388
4389
4390 -- Example --
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4392 **TITLE 7. DEVELOPMENT AND LAND USE**

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4394 **ARTICLE 7.40. Open Space Committee**

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4396 **ART. 7.40. SECTION 1. GENERAL**

4397 There is hereby established in the Town of Wrentham a committee to be known as the "Open Space
4398 Committee." Such committee shall be appointed by the Board of Selectmen, and shall consist of seven
4399 (7) full members and two (2) alternate members. Members shall be appointed for one-year terms which
4400 shall expire upon the opening session of the next Annual Town Meeting.
4401

4402 **ART. 7.40. SECTION 1. ROLE AND RESPONSIBILITIES**

- 4403 **A.** The Committee shall have the authority to expend any funds entrusted to them, subject to
4404 any conditions attached thereto.
4405
- 4406 **B.** The primary purpose of the Open Space Committee shall be to promote the preservation of
4407 land in the Town of Wrentham as Open Space.
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- 4409 **C.** Other areas of responsibility include but are not limited to the following:
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- 4411 **i.** The committee shall make recommendations to the Board of Selectmen regarding any
4412 parcels of land which become available to the Town under the provisions of Chapters 61,
4413 61A, or 61B.
4414
 - 4415 **ii.** The committee may make recommendations to the Town regarding the financing and
4416 facilitating of open space preservation, in the best interest of the Town.
4417
 - 4418 **iii.** The committee may make recommendations to the Town regarding bylaws and zoning
4419 bylaws, as they relate to open space preservation.

APPENDIX B. ACCEPTED STATUTES AND HOME RULE PETITIONS

Not an official record.

Chapter & Section	Amended By	Acts of	Date of Town Meeting	Action	Topic
23		1917		Accepted	Licensing coffee house
25		1939	3/6/1939	Accepted	Wrentham Cemetery
	R.L. 28			Accepted	Public parks
50		P.S.		Accepted	Sidewalks
59		1916		Accepted	Town meetings
77		1937	3/7/1938	Accepted	Absentee Voting
86		1904	9/20/2005	No action	Water Supply
	R.L. 102			Accepted	Licensing groves for picnics
119		1959	3/26/1968	Accepted	Sheldon Cemetery Corp.
133		1992	6/28/1993	Accepted	Early retirement incentive programs for certain municipal emp.
153		1916		Accepted	Slaughter houses
166		1946		Accepted	Establish contributory retirement
209		1908		Accepted	Sprout land fires
217		1914		Accepted	Laborers vacations
240		1916		Accepted	Labor public employees
254		1917		Accepted	Salaries - municipal employees
281		1922		Accepted	Public ways
291		1907	6/6/1907	Accepted	Water supply by Town - amends 86 - 1904
291		1990	4/29/1991	Accepted	Enhance 9-1-1
293		1916		Accepted	Licensing motor vehicles for public hire
297		1954		Accepted	Establish Development and Industrial Commission
311		1919		Accepted	Continuation schools
366		1869		Accepted	Impounding cattle
391		1923		Accepted	Collection of water rates
397		1913		Accepted	Moderator - one year

399		1992	6/28/1993	Accepted	Retirement system funding schedule
486		1964	3/27/1967	Accepted	Pension increase - former public employees
486		1971	3/6/1972	Accepted	Beano
503		1912		Accepted	Pensioning laborers
548		1898	10/16/1899	Accepted	Ballots
598		1920		Accepted	Accounting system
635		1912		Accepted	Tenement houses
647		1960	3/13/1961	Accepted	Pension Increase - certain former public employees
688		1914		Accepted	Saturday half-holiday
790		1914	11/13/1914	Accepted	Party Enrollment
807		1913		Accepted	Workmen's Comp. (county)
C.31, ss. 48, 49			3/6/1950	Accepted	Police and Firemen
C.31, S.58A			11/12/2002	Accepted	Maximum age restriction for police officer appointments
C.32, ss. 1 through 28			11/8/1946	Accepted	Establish contributory retirement
C.32, S.4, Sd.2, P.B			10/2/1989	Accepted	Allow certain call firefighters credit for time spent in service to the Town if appointed a permanent member of Fire Dept.
C.32, S.22D			6/28/1993	Accepted	Establish retirement system funding schedule to reduce the to reduce unfunded actuarial liability of the system
C.32, S.56-6-			12/28/1945	Accepted by BOS	Pensions of veterans of Spanish and World Wars
C.32B			TM 3/6/56	Accepted	Group life, accidental death & dismemberment, group gen. Ins.
C.32B, S.7A			12/14/1987	Accepted	Town pay subsidiary or additional rate to health & group insurance in addition to 50% for employees
C.32B, S.7A			12/14/1988	Accepted	Contribution to health care for town employees
C.32B, S.8A			4/1/1974	Accepted	Group insurance, balance of group dividend
C.32B, S.9			3/5/1956	Accepted	Group insurance
C.32B, S.9A			3/7/1966	Accepted	Insurance premiums
C.32B, S.9D			4/1/1974	Accepted	Group health insurance, 1/2 to surviving spouse or retired emp
C.32B, S.9F			3/5/1973	Accepted	Group life insurance \$2000 group life, \$2000 accidental & dismem
C.32B, S.18			Adj.ATM 6/14/04	Accepted	Health insurance transfer of retirees, spouses and dependents eligible for Medicare Part A from an active plan to a Medicare Supplement plan offered by the Town
C.39, S.20			9/24/1973	Accepted	Annual town meeting

C.40, S.4G			5/1/1984	Accepted	Increase Municipal bidding from \$2000 to \$4000
C.40, S.4H	C. 477	1984	5/7/1985	Accepted	Allow a municipality to purchase and enter into contracts, surplus
C.40, S.5D	C. 156	1985	6/10/1986	Accepted	Establish a pension reserve fund
C.40, S.6A				Accepted	Municipal advertising
C.40, S.6H	319	1961	1962	Accepted	Repairs on Private Ways
C.40, S.8			6/4/1962	Accepted	Zoning Ordinances
C.40, S.8A			3/14/1960	Accepted	Establish Development and Industrial Commission
C.40, S.8C	486	1971	5/28/72 - 1978	Accepted - Resc	Appoint Conservation Committee - <i>Beano</i>
C.40, S.8C			6/4/1962	Accepted	Establish Conservation Commission
C.40, S.8D			1977	Inoperative	Establish Historical Commission
C.40, S.8D			3/27/1967	Accept	Historical Commission
C.40, S.8G			2/24/1997	Accepted	Authorize Town to enter into agreements with other cities and towns providing for mutual aid between police departments
C.40, S.8J			ATM 4/28/03	Accepted	Establish a commission on disability
C.40, S.9				Accepted	American Legion headquarters
C.40, S.13			ATM 4/24/06	Accepted	Establish a municipal buildings insurance fund
C.40, S.22F			6/17/1992	Accepted	Fix reasonable fees for licenses, permits or certificates
C.40, S.46			5/1/1984	Accepted	Bid limit \$4000
C.40, S.57			11/18/1991	Accepted	Denial, revocation or suspension of licenses for failure to pay taxes
C.40, S.83			8/3/1992	Accepted	Creation of a disability commission
C.40A, S.8				Accepted	Zoning Ordinances - Reconsideration of proposed change in ordinance or bylaw after unfavorable action
C.41, S.7				Accepted	Official ballots
C.41, S.19K, 108P				Accepted	Election - town officers
C.41, S.19K, 108P			6/19/2000	Accepted	Allow additional Compensation for Town Clerk or Collector or Treasurer upon certification
C.41, S.21				Accepted	Selectmen to act as Board of Public Works
C.41, S.23A				Accepted	Establish Executive Secretary of Wrentham
C.41, S.69B			12/11/1989	Accepted	Allow town water operations to be accounted for as special revenue fund effective 7/1/90

C.41, S.69C-69F			3/9/1972	Accepted	Establishment of a Board of Public Works
C.41, S.81U, P.12			9/26/1994	Accepted	Authority of Town by approval of BOS to use proceeds of bonds or deposits held by Town to complete subdivision improvements to \$100,000
C.41, S.100B			5/27/1987	Accepted	Indemnification of retired police/firefighters for certain hosp exp
C.41, S.108L			11/20/1995	Accepted	Establish Career Incentive Program in Police Dept.
C.41, S.110A			3/12/1963	Accepted	Public offices/closed Saturdays
C.42, S.21			3/6/1972	Accepted	Selectmen to act as Board of Public Works
C.42, S.23A			3/14/1960	Accepted	Establish Executive Secretary of Wrentham
C.44, S.35			3/7/1939	Accepted	Annual audits
C.44, S.53C			4/2/1973	Accepted	Revolving fund
C.44, S.53D			5/4/1991	Accepted	Establish Recreation self-supporting service revolving fund
C.44, S.53E			ATM 4/25/05	Accepted	Establish offset fund for partially funding curbside collection of solid waste
C.44,S.53F 1/2			ATM 4/27/09	Accepted	Water Dept. - Enterprise Fund (effective FY10)
C.44, S.65			3/12/1962	Accepted	Advance Vacation Pay to officers
C.44B, S.3-7			STM 11/14/05	Accepted	Accept Massachusetts Community Preservation Act
C.48, S.42-44			4/20/1982	Accepted	Strong Chief
p.s.50				Accepted	Sidewalks
C.54, S.16A			ATM 4/25/05	Accepted	Fill a vacancy of an election officer at the opening of the polls
C.59, S.2A			3/26/1992	Accepted	Allow Assessors to include value of bldgs. and fixtures added between Jan. 1 and July 1 in assessments following FY
C.59, S.5	C.170, S.5	1981	6/8/1982	Accepted	Relative to exemption for elderly persons, surviving spouses & minors
C.59, S.5, Cl. 17D	C. 73	1986	10/20/1987	Accepted	Easing requirements on assessment for elderly & minor children
C.59, S.5, Cl.41B			5/7/1985	Accepted	Granting an exemption under certain qualifying conditions for real estate taxes for persons of 70 years prior to July 1
C.59, S.5, Cl.41C	C.73	1986	10/20/1987	Accepted	Concerning elderly assessment
C.59, S.5, Cl.41C	subclause C		11/13/2007	Accepted	Change allowable asset req for 70+ from 28,000 to 40,000 and from 30,000 to 50,000

C.59, S.5, Cl.54		2000	4/29/2002	Accepted	Accepting a small personal property account exemption minimum of \$2500 of the full and fair cash value
C.59, S.5C, 141B			5/7/1985	Accepted	Real estate tax exemption for persons over 70
C.59, S.5K			11/10/2003	Accepted	Program for persons over age 60 to provide volunteer services to town in exchange for reduction in real property tax obligations
C.59, S.5L	s. 12, C. 260 of	2006	5/14/2007	Accepted	taxes of National Guard and Reserve members
C.59, S.57B			5/24/1988	Accepted	Payment of property taxes for \$50 or less
C.59, S.57C			3/26/1992	Accepted	Authorize Tax Collector to send out tax bills quarterly
C.60, S.3C			STM 6/14/04	Accepted	Establish a Local Educational Fund
C.60, S.3C			STM 6/14/04	Accepted	Establish a Scholarship Fund
C.60, S.3D			STM 6/14/04	Accepted	Establish Elderly and Disabled Taxation Fund
C.60, S.23B			STM 11/13/06	Accepted	Certificates of Lien
C.60, S.106	C. 55	1984	5/7/1985	Accepted	Allow real estate bills under \$25 to be made in one payment
C. 64G, S.3A			6/10/1986	Accepted	Imposition of a local excise tax of 4% on motels/hotels
C.64G, S.3A			ATM 4/28/03	Accepted	Impose local excise tax of 4% on total amount of rent for rooms in B&B, hotel, lodging house or motel
C.71, S.71E			10/5/1981	Accepted	Moneys received by school committee from adult education
C.79		2006	11/13/2006	<i>Rejected</i>	Adjudicatory hearings votes
C.90, S.20C			6/8/1974	Accepted	Parking violations
C.90, SS.10A, 20C, 20D, 20E			10/5/1981	Accepted	Parking violations
C. 90, SS. 20A, 20C, 20D, 20E			10/20/1987	Resc. 10/19/81	Fine schedule for parking violations
C.90, S.20A1/2			10/20/1987	Accepted	Fine schedule for parking violations, to be collected and returned to the Town, effective 1/1/88
C.133, S.48			6/28/1993	Accepted	Provides for an early retirement incentive program for certain municipal employees
C.136				Accepted	Sunday sports
C.137		2003	ATM 4/24/06	Accepted	Public employees serving in the armed forces
C.138			STM 11/8/10	Accepted	Sales of alcoholic beverages Sundays 10AM-12 noon

C.140, S.147A			9/26/1994	Accepted	Authorize Town to withdraw from County dog program effective 1/1/95, and assume full responsibility for licensing, control, and regulation of dogs
C.140, S.188			STM 3/28/05	Accepted	Picnic Groves - Grant of license, terms conditions & regulations
C.140, S.189			STM 3/28/05	Accepted	Picnic Groves - Maintenance of grove without license
C.140, S.190			STM 3/28/05	Accepted	Picnic Groves - Peddling, Selling, Gaming, Horse Racing, or Exhibitions near grove
C.147, ss.13A through 13C			10/30/1961	Accepted	Establish reserve police force
C.147, S.13C			3/12/1963	Rescind	Reserve police force
C.148, S.26C			1979	Accepted	Install automatic smoke or heat detectors in certain apartment houses, hotel, lodging houses
C.148, S.26G	S.26G & 2		5/23/1983	Accepted	Sprinklers in bldgs. More than 7500 sq. ft. require sprinklers
C.148, S.26H			10/1/1986	Accepted	Automatic sprinklers in lodging and boarding houses
C.148, S.26I			2/10/1990	Accepted	Require automatic sprinklers in residential bldgs with four or more units. Will not require sprinklers in existing structures.
C.149, S.33C			4/7/1969	Accepted	Overtime pay for certain town employees
C.149, S.148			5/27/1987	Accepted	Establish a Police Special Detail revolving fund
C.258, S.13			1980	Accepted	Indemnifying municipal officers
C.258, S.13			STM 10/20/87	Rescinded	Indemnifying municipal officers
C.262, S.34	C.329, S.73	1980	10/5/1981	Accepted	Adopt fee schedule
C.262, S.34	C.329, S.73	1980	10/5/1987	Accepted	Location of poles, piers, abuts
C.268A, S.20	C.612, S.12	1983	11/29/1983	Acc. by BOS	Exemption of call firemen as recommended by Chief McNamara
C.612, S.12			11/29/1983	Accepted	Call men
C.32577			11/5/1912	Accepted	Pensioning laborers
C.71521			11/4/1915	Accepted	Continuation School
C.152 369			11/4/1913	Accepted	Workmen's Comp. (county)
C.152 369			2/13/1915	Accepted	Workmen's Comp. (town)
C.413 110			11/3/1914	Accepted	Saturday 1/2 day holiday
		1935			Additional list of acceptance
		1963	3/11/1963	Accepted	Building Codes

APPENDIX C. MULLEN'S RULE CERTIFICATION

Town of Wrentham, Massachusetts

Certification Pursuant to M.G.L. c. 39, s.23D
Of Participation in a Session of an Adjudicatory Hearing
Where the Undersigned Member Missed a Single Hearing Session

Note: This form can be used for missing only one single public hearing session.
This cannot be used for missing more than one hearing session.

I, _____ (name), hereby certify under the pains and penalties of
perjury as follows:

1. I am a member of _____.

2. I missed a public hearing session on the matter of

which was held on _____.

3. I have reviewed all the evidence introduced at the hearing session that I missed
which included a review of (initial which one(s) applicable):

a. _____ audio recording of the missed hearing session; or,

b. _____ video recording of the missed hearing session; or,

c. _____ a transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this _____ day of _____,
201__.

Signature of Board/Committee/Commission Member

Received as part of the record of the above matter:

By: _____

Position: _____

Date: _____