1.0 ADMINISTRATIVE BYLAWS

1.1 GENERAL PROVISIONS

1.1.1 The following Bylaws shall regulate the administration of the affairs of the Town of Bolton, Massachusetts.

1.1.2 Any of the Bylaws under l.0 may be repealed or amended or other Bylaws may be adopted by a majority vote, at any town meeting, an article or articles for that purpose having been inserted in the warrant for such meeting.

1.1.3 The Selectmen shall publish the Bylaws of the town at least once every five years.

1.1.4 Whoever violates any of the provisions of these Bylaws whereby any act or thing is enjoined or prohibited, shall, unless other provision is expressly made, forfeit and pay a fine of not more than Twenty Dollars ($20.00) for each offense. Each day of violation shall constitute a separate offense.

1.1.5 The preceding sections notwithstanding, any person violating the provisions of any section of these bylaws which is subject to a specific penalty may be penalized by a non-criminal disposition as provided in M.G.L. Chapter 40 s 21D which includes the giving, to the violator, a written notice to appear before the clerk of the district court. The non-criminal method of disposition may also be used for violations of any rules or regulations of any town officer, board or department which is subject to a specific penalty. Without intending to limit the foregoing, the following bylaws, rules and regulations are to be included within the scope of this section, the specific penalties listed shall apply and in addition to police officers, who in all cases shall be enforcing officers, the Town personnel listed shall also be enforcing officers:

a) General Protective and Regulating Provisions of Section 1.9

Penalty: $20.00 a day Enforcing Officer:

Section 1.9.1	(nuisance dogs and kennels)	– Animal Control Officer
Section 1.9.2	(hawkers and peddlers)	- Police Department
Section 1.9.3	(junk dealers)	- Police Department
Section 1.9.4	(livestock at large)	- Animal Control Officer
Section 1.9.5	(tethering to a tree)	- Director of Public Works
Section 1.9.7	(lumber piles)	- Director of Public Works
Section 1.9.8	(digging in highway)	- Director of Public Works
Section 1.9.10	(unregistered motor vehicle)	- Police Department
Section 1.9.13	(town beach)	- Police Department
Section 1.9.14	(motorized recreation vehicle)	- Police Department
Section 1.9.19	(hunting and trapping)	– Police Department

b) Removal of Soil, Loam, Sand and Gravel Bylaw (Section 1.10)
Penalty: $50.00 a day
Enforcing Officer: Board of Selectmen

c) Protection of Groundwater Bylaw (Section 1.11)
Penalty: $50.00 a day
Enforcing Officer: Board of Health

d) Street Numbering Bylaw (Section 1.13)
Penalty: $l0.00 a day
Enforcing Officer: Police Department

e) Violation of any provision of the Zoning Bylaws
Penalty: $50.00 a day
Enforcing Officer: Board of Selectmen

f) Violation of any condition of a Special Permit of Variance granted pursuant to the Zoning Bylaw or M.G.L. Chapter 40A.
Penalty: $50.00 a day
Enforcing Officer: Board of Selectmen

g) Discharge of Snow or ice onto Public Ways (Section 1.19)
Penalty: $100
Enforcing Officer: Police Department

h) Violation of Wetland Bylaw (Section 1.18)
Penalty: $300.00 for each offense, each day of violation shall be a separate offense.
Enforcing Officers: Conservation Commission and Agent

1.1.6, Providing Holdover Status for Elected Officials Other Than Members of the Board of Selectmen as follows:

TOWN OF BOLTON
HOME RULE BYLAW

WHEREAS, the Town Meeting is the Town of Bolton legislative body, and under Article LXXXIX of the amendments to the Constitution of the Commonwealth of Massachusetts (The Home Rule Amendment), the Town Meeting has the power to adopt legislation affecting the internal affairs of the Town; and

WHEREAS, the Town wishes to adopt legislation to allow it to provide "holdover" status to all elected Town officers, except to members of the Board of Selectmen, whose term of office terminates as a result of such officer's physical relocation of his or her residence from the Town of Bolton to another municipality;

NOW, THEREFORE, the Town adopts the following bylaw pursuant to The Home Rule Amendment by amending Article 1.0 (Administrative Bylaws), Section 1.1 (General Provisions), by adding the following subsection 1.1.6, Holdover Status for Elected Officials Other Than Members of the Board of Selectmen, as follows:

1. In the event an individual holding an elected office in the Town, other than a member of the Board of Selectmen, ceases to be a resident of the Town of Bolton, the individual may remain in the elected office as a holdover until the Board of Selectmen, in a written document signed by the members of the Board of Selectmen, or by a majority of the members of said Board, and filed with the Town Clerk's office, appoint a temporary officer to hold the elected office and exercise the powers and perform the duties of that office until another individual is duly elected or appointed and qualifies under the law. In no case, however, shall an individual remain as a holdover in the elected office for more than ninety (90) days. This Section shall not apply to any member of the Board of Selectmen.

2. Within 10 days after his/her appointment, any temporary officer must be sworn and shall post a bond, if required, for the faithful performance of his/her duties. Failure to do so will result in a rescission of the appointment.

3. This Section of the Bylaw shall be effective as of April 1, 2008

1.2 TOWN MEETINGS AND WARRANTS

1.2.1 The Annual Town Meeting for the transaction of business shall be on the first Monday in May at a time to be determined by the Board of Selectmen. The election of officers shall take place on the second Monday in May and commence at 12:01 p.m. and close at 8:00 p.m. of that day.

1.2.2 The Annual Town Meeting shall, unless a different time or method is prescribed by law, be called by posting an attested copy of the warrant, calling the same, at the Town Hall, at the Post Office and at two other public places in the Town seven days, at least, before the day appointed for said meeting, and by mailing a copy of the warrant to each household where one or more registered voters resides.

A Special Town Meeting shall, unless a different time or method is prescribed by law, be called by posting an attested copy of the warrant, calling the same, at the Town Hall, at the Post Office and at two other public places in the town fourteen days, at least, before the day appointed for said meeting, and by mailing a copy of the warrant to each household where one or more registered voters resides.

1.2.3 The presence of seventy-five (75) registered voters at a town meeting for the transaction of business shall be required to constitute a quorum except for a motion to adjourn for which no quorum shall be required.

1.2.4 When an article requiring an appropriation of money is presented in the warrant for a town meeting, said article must contain the request for the appropriation.

For all matters requiring a two thirds vote under Chapter 39, Section 15 of the Mass General Laws, a count need not be taken unless the vote so declared is immediately questioned by seven or more voters.

1.2.5 The Moderator shall have the power to require persons who are not registered voters to identify themselves and leave the floor of the hall when he shall deem this action necessary.

1.2.6 Articles for the warrant shall be acted upon in the order in which they stand, except that the Moderator may upon request and for reasons stated entertain the motion to take up an article out of this regular order.

1.2.7 No motion, the effect of which would be to dissolve a town meeting, shall be in order until every article in the warrant has been acted upon, but this shall not preclude the postponement of action on, or consideration of, any article to an adjournment of the meeting to a stated time.

When a question is before the meeting, the following motions, namely: to adjourn; to lay on the table; for the previous question; to postpone to a stated time; to commit, recommit or refer; to amend; to postpone indefinitely; shall be received and shall have precedence in the foregoing orders, and the first three shall be decided without debate.

No article in the warrant shall be again taken into consideration after having been disposed of unless ordered by a vote of two-thirds of the voters present and voting.

1.2.8 The Moderator may decline to put motions obviously frivolous or tending to disorder. A motion shall be presented in writing if the Moderator requests. The Moderator shall be governed in his rulings by these articles.

1.2.9 All committees unless otherwise specially directed by the meeting shall be appointed by the Moderator except as otherwise provided by law and all committees so appointed shall be directed to report within a definite time. If a committee does not report within the time stated, or at the first Annual Town Meeting thereafter, it shall be considered discharged. The Moderator shall not be a member of any committee appointed by him.

1.2.10 It shall be the duty of the appointing body promptly after every town meeting to notify all members of committees who shall be selected or appointed at such meeting.

1.3 ADVISORY COMMITTEE

1.3.1 The Advisory Committee shall consist of six citizens of the Town, which committee shall be appointed as provided in the following section, and no person holding an elective or appointive town office shall be eligible to serve on said committee.

1.3.2 The Moderator, Town Clerk and Chairman of the Board of Selectmen shall constitute the appointing committee, who shall, within 30 days of each annual meeting for the election of officers appoint from the citizens of the Town two members to serve for the term of three years. The terms of office of said members shall expire June 30. Said committee shall choose its own officers, and shall serve without pay excepting, however, the secretary thereof, who may receive such compensation as the Town may by vote provide. Said committee shall cause to be kept a true record of its proceedings.

1.3.3 To the Advisory Committee shall be referred for recommendations all articles in any warrant for a town meeting hereafter issued. It shall be the duty of the Board of Selectmen after drawing any warrant for a town meeting, to transmit immediately a copy thereof to the Chairman of the Advisory Committee, and said committee shall consider such articles. A public hearing on said articles may be held at the discretion of said committee, unless a public hearing by some other tribunal is required by law, and a notice of such hearing shall be given by posting a copy thereof in at least three public places in town. After due consideration of the subject matter in such articles, said committee shall report thereon, in print or otherwise, such information and recommendations as it shall deem best. All recommendations of the committee made to the Town shall be recommendations of a majority of the committee. In case of disagreement, all reports shall be reported back to the Town without recommendation. To the Advisory Committee shall also be referred the disposition of all tangible supplies and property, not including real property, the value of which exceeds $1,000. The Advisory Committee shall dispose of all such supplies and property in compliance with applicable procurement requirements. The agency possessing tangible supplies and property, not including real property, the value of which is $1,000 or less shall dispose of such supplies and property using sound business principals.

1.3.4 It shall be the duty of the Advisory Committee to consider the annual estimates and expenditures as prepared by the various town officers, boards, and committees charged with the expenditure of the Town's money, and add another column to the prepared statement giving the amount which in its opinion shall be appropriated for the ensuing year, and add thereto such explanations and suggestions in relation to the proposed appropriations as it may deem expedient, and report thereon, as provided in 1.3.3.

The Selectmen shall include in their estimates, separately, the salaries of all officers elected directly by the Town, and all other items not otherwise provided

for, and the salaries of all other persons shall be included in the estimates of officers, boards, or committees appointing them. The Treasurer shall include in his estimates the amount required for the payment of interest on the town debt and for the payment of such portions of the town debt as may become due during the succeeding year. Said estimates and explanations shall be filed with the Advisory Committee on or before the fifteenth day of January.

1.3.5 Whenever any vacancy shall occur in said committee - by resignation, removal from town, death, failing to qualify, or otherwise - said vacancy shall be filled by said committee. And if any member is absent from five consecutive meetings of said committee, except in case of illness, said committee shall consider the position vacant and proceed to fill the same. The term of office of all persons chosen as aforesaid, to fill vacancies, shall expire on June 30, succeeding such vacancy and a successor shall be appointed to fill out the unexpired term of each member whose office has been so vacated, in the same manner as the original appointment.

1.3.6 It shall be the duty of said committee to make an annual report of its doings, with recommendations relative to financial matters, to be printed with the annual reports of the other town officers.

1.4 LEGAL AFFAIRS

1.4.1 The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law or by these Bylaws.

1.4.2 The Selectmen together with two other citizens of the Town neither of whom shall hold an elective town office, shall constitute a Law Committee. The two members holding no elective office so serving with the Selectmen shall be appointed annually by the Moderator. This committee, except as otherwise provided by law or vote of the Town, shall have full and exclusive authority as agents of the Town to engage counsel, to institute, prosecute, defend, compromise and settle all claims, suits and actions brought by or against the Town or protect the Town with liability insurance from any or all claims, provided, however, that no claim or action against the Town, unless reduced to the form of an execution or decree of Court shall, except in cases which are covered by liability insurance, be compromised or settled by the payment of any amount in excess of Two Hundred Dollars ($200.00) without a special vote of the Town.

1.4.3 It shall be the duty of the Law Committee to notify the citizens of the Town by posting in four public places as soon as possible notice of the fact that an action at law or suit in equity has been brought against the inhabitants of the Town, when the amount of the action or suit is Five Hundred Dollars ($500.00) or more.

1.4.4 All conveyances of land or interests in land which may hereafter be authorized by vote of the Town, or otherwise, except land held under tax titles, shall be signed by a majority of the Board of Selectmen unless otherwise provided by law, or these Bylaws or by special vote of the Town, and the same shall be sealed with the town seal.

1.4.5 The Law Committee in their annual report shall state what actions have been brought against or on behalf of the Town, what cases have compromised or settled and the terms thereof, and the current standing of all suits of law involving the Town or any of its interests, and they shall give a summary of their activities and decisions during the past year.

1.5 FINANCIAL AFFAIRS

1.5.1 The Town Treasurer shall prescribe the methods of accounting and the forms to be used by the several officers, boards and committees of the Town pertaining to their receipts and disbursements, and shall provide that such methods and forms shall conform to the requirements prescribed by law or by any rules or regulations made thereon.

1.6 PURCHASING AND CONTRACTS

1.6.1 All procurement, for which appropriations have been made or monies otherwise legally provided, shall be made in compliance with MGL, c. 30B, the Uniform Procurement Act; MGL c. 7, ss. 38A ½-38O, Design Services; MGL c. 149, ss. 44A-44J, Public Building Construction; MGL c. 30, ss. 39A-40A, Public Works Construction; and all other relevant laws, as they may be amended from time to time. It shall be the responsibility of each department and designated committee to determine if funds are available before making commitments.

Each expenditure shall be approved by the head of the department or a majority of the committee having control. Bills presented by vendors for services shall be approved and signed by a majority of the department officers or committee responsible and also by a majority of the Board of Selectmen. Bills shall then be passed to the Town Treasurer for payment.

It shall be the responsibility of each department or committee to keep total expenditures within monies legally available. The Town Treasurer shall pay only up to the total amount authorized for the designated purpose or department or committee requirements.

1.6.2 Deleted April 9, 2001, Article 2

1.6.3 Deleted April 9, 2001, Article 2

1.6.4 Any person or firm requiring the services of the Tree Warden and/or Moth Superintendent shall pay for services at an hourly rate equal to the hourly rate of the General Foreman of the Forestry Division Department of Public Works.

Said compensation shall be paid directly to said Tree Warden and/or Moth Superintendent.

1.7 RECORDS AND REPORTS

1.7.1 All officers, boards and committees of the Town shall cause records of their doings and accounts to be kept in suitable books. Said books shall be kept in their respective places in the Town, and shall not be removed therefrom. Said books, shall unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under supervision of the officer, board or committee having custody thereof.

1.7.1.1 All boards, committees, commissions of the Town, elected or appointed, shall compile and maintain minutes of all posted and emergency meetings and shall file a copy of said minutes with the Town Clerk within one week of approval. Minutes of executive sessions need not be filed with the Town Clerk until such time as the reason for the session is no longer valid.

1.7.2 All officers, boards and standing committees, and special committees of the Town having charge of the expenditure of town money shall annually report thereon in writing so as to give the citizens a fair and full understanding of the objects and methods of such expenditures, referring, however, to the report of the Town Treasurer for statements in detail of receipts and payments, and may make therein such recommendations as they deem proper. Such reports shall be submitted to the Selectmen for inclusion in the Annual Town Report on or before the l0th day of January of each year. All reports shall be signed by at least a majority of the board. The Selectmen shall cause these reports, together with a list of town officers and other matter usually published, to be printed and placed in the hands of the Town Clerk, ready for distribution, two months, at least, before Annual Town Meeting in May.

1.7.3 The Annual Town Report shall contain, in addition to the reports of officers, boards and committees as herein before provided, a detailed report of all monies received into and paid out of the town treasury in the year next preceding, showing separately payments made from the proceeds of loans as capital outlays for permanent improvements, the report of the Collector of Taxes, of receipts, payments and statements; statements of all funds belonging to the Town or held for the benefit of its inhabitants; a statement of the liabilities of the Town on bonds, notes, certificates of indebtedness authorized but not incurred, and the purposes thereof; a statement of transfers made to or from any appropriation; abstracts of the records of the meetings of the Town held since the publication of the last annual report; and such other matters as the said report is required by law to contain, or as may be inserted by the Selectmen under the discretion granted by law.

1.7.4 The several boards of town officers shall file with the Board of Selectmen at the end of each calendar year a schedule of all property in their charge. These schedules shall be open to public inspection.

1.7.5 The Selectmen, or the Town may direct that the Assessors' valuation list, the Bylaws and standing votes of the town and the rules and regulations adopted by any officer, board or committee, be printed either separately or as a part of the annual report.

1.7.6 The Town Clerk shall conduct an annual census.

1.8 CEMETERIES

1.8.1 The Town of Bolton will accept from any person any sum of money not less than One Hundred Dollars ($l00.00), the interest whereof shall be applied to the care and repair of such lot or lots in the public burial ground of the Town as the person depositing the money shall designate, in accordance with Section 25 of Chapter 114 of the General Laws (Ter. Ed.).

1.8.2 All such money shall be deposited by the Town Treasurer to the credit of the burial fund. The Treasurer shall keep the account of burial lot fund in a book showing the date of each deposit, the amount deposited, the name of the depositor, the name of the cemetery containing the lot and the number of the lot.

1.8.3 The treasurer shall give the depositor a receipt in the following form:

Date_____

This certifies that _____ has deposited with me the sum of _____ Dollars, the interest of which is to be forever applied in accordance with the provisions of Section 25, Chapter 114, General Laws (Ter. Ed.), for the care of lot number _____ on the plan of the _____ Cemetery.

Treasurer, Town of Bolton

1.8.4 The Cemetery Committee shall not be required to expend the interest on each deposit annually but may, at its discretion, allow it to accumulate in order to do more satisfactory work.

1.8.5 Lots in the cemeteries shall be free to inhabitants of the Town of Bolton.

1.8.6 The assignment of lots shall convey only the right of burial. The Title to all lots shall be vested in the Town.

1.8.7 No lots shall be graded, nor shrubbery or trees planted, nor monuments erected, in any cemetery, except with the approval of the Cemetery Committee.

1.8.8 Any grave opened in Bolton cemeteries shall be paid for at the rate of no less than $l50.00 for regular hours. The rate for overtime or weekends shall be no less than $250.00 and holiday hours shall be no less than $500.00.

Winter burial shall be at the discretion of the Cemetery Committee and if done with extra equipment (i.e. compressor, plowing, sanding) shall be paid for by the deceased's account.

This money to revert to the Town Treasury and shall be used in accordance with Sections l5 and 25 of Chapter 114 of the General Laws (Ter.Ed.).

1.8.9 Within thirty (30) days after the closing of a grave a flush marker shall be placed on such grave under the direction of the Cemetery Committee.

1.9 PROTECTIVE AND REGULATING PROVISIONS

1.9.1 DOG AND KENNEL BYLAW

1.9.1.1 The Town of Bolton adopts this Dog and Kennel Bylaw in accordance with, and to conform with, Sections 136A through 174D of Chapter 140 of the Massachusetts General Laws.

1.9.1.2 For the purposes of this Section 1.9.1 "kennel" shall be defined as one (1) pack or collection of more than three (3) dogs six (6) months old or older on a single premises, whether maintained for breeding, boarding, sale, training, hunting, or other purposes.

1.9.1.3 At no time shall a person owning or keeping a dog in the Town allow such dog to be unlicensed, uncollared, untagged, or to become a "public nuisance" to others within the Town Limits. A dog shall be deemed a "public nuisance" for, but not limited to, the follow reasons:

- attacking or chasing persons or domestic animals
- damaging property of others beyond its owner/keepers property
- interfering with or disrupting organized school or public activities
- interfering with the use of a public right-of-way
- chasing moving vehicles
- vicious disposition
- barking or howling excessively
- creating other disturbance

1.9.1.4 Every person owning or keeping a dog that is six (6) months old or older shall obtain a dog license from the Town Clerk, and every person maintaining a kennel shall obtain a kennel license from the Town Clerk, as required by Section 137 and 137A of Chapter 140 of the Massachusetts General Laws. Every such dog and kennel license shall be valid for one year beginning on April first and ending on March thirty-first. Each license shall contain the name, address, and telephone number of the owner or keeper of the dog, and such other information as the Town Clerk deems appropriate; in addition, each kennel license shall include the number of dogs maintained in the kennel. Each license shall be issued upon the condition that the owner or keeper shall comply with

the provisions of this bylaw and any law, rule, or regulation relating to the ownership and control of dogs.

1.9.1.5 As allowed by Section 173 of Chapter 140 of the Massachusetts General Laws, all owners or keepers of dogs kept in the Town of Bolton, who on the first day of May of each year have not licensed said dog or dogs as prescribed by Section 137 and 137A of Chapter 140 of the Massachusetts General Laws, and this bylaw, shall be required to pay an additional fee of twenty-five ($25.00), payable to the Town of Bolton. If still unlicensed, uncollared, and untagged after June 1st the Board of Selectmen shall, by June 11th, issue a warrant directing the Animal Control Officer to seek out, catch, and confine all such dogs; and to enter and prosecute a complaint in district court against the owners or keepers, if known, of said dogs, in accordance with said Chapter 140, Section 151A.

1.9.1.6 Every holder of a kennel license shall maintain the kennel in a sanitary and humane manner, and shall keep a record of all dogs kept in the kennel, including their license numbers.

1.9.1.7 The Board of Selectmen, the Chief of Police, or the Animal Control Officer, or their designees, may at any time inspect, or cause to be inspected, any kennel licensed under these kennel provisions, and if, in their judgment, the kennel is not being maintained in a sanitary or humane manner, or if records are not properly kept as required by this bylaw or other applicable law, or if the kennel is in violation of any provision of this Section 1.9.1, the Board of Selectmen shall by order revoke or suspend, and, in the case of suspension, may reinstate, such license.

1.9.1.8 Deleted May 5, 2008, Article 10

1.9.1.9 Violations of this section 1.9.1 or Massachusetts General Laws Chapter 140, Section 136A through 174D shall be subject to impoundment of the animal by the Animal Control Officer, and/or a fine as referenced in Bolton Bylaws Section 1.1.5; and/or by criminal or non-criminal disposition as provided in said Chapter 140, Sections 151A, 157, and 173A. Any violation resulting in impoundment shall also require payment to the Town of Bolton of a pick-up fee of ten dollars ($10), plus normal boarding fees.

1.9.2 No person shall hawk or peddle fish, fruit or vegetables within the limits of the Town, except as otherwise authorized by law, without obtaining a license therefore from the Selectmen upon payment of a fee at a rate to be set annually by the Selectmen.

1.9.3 No dealer in junk, old metals or second hand articles, shall collect or keep such articles in the Town of Bolton except as otherwise authorized by law, without a license from the Board of Selectmen. The Selectmen, after notice, and hearing, may revoke any such license for cause. The fee for such license shall be at a rate set annually by the Selectmen.

1.9.4 No livestock, including but not limited to horses, swine, sheep, goats, cattle, or llamas shall be allowed to run at large in any roadway of the Town.

1.9.5 No person shall tie a horse or other animal to any tree, nor to any structure protecting such tree, in the public streets of the Town.

1.9.6 (Moved to 2.4.2 on 6/12/78)

1.9.7 No person shall place or pile any wood, lumber or other material within the limits of the highway or sidewalks without a written permit from the Selectmen, and then only for a limited period.

1.9.8 No person except officers of the Town and their duly authorized agents in the lawful performance of their duties, shall break up or dig up the ground in any highway of the Town, or set up any post, pole, fence, tree, structure, or any other obstruction, without a written permit from the Selectmen.

1.9.9 Any project involving major construction and/or taking of public or private property shall be explained to the inhabitants of the town through a Public Hearing. Such Public Hearing shall be called by the Selectmen by posting notices thereof in three public places including the outside of the Town Hall at least seven days before the time of said hearing.

1.9.10 Unregistered motor vehicles which are unfit for use, permanently disabled, or have been dismantled or are otherwise inoperative, shall not be stored, parked, or placed upon any land in the Town unless the same shall be within a building or in an area unexposed to the view of the public or abutters or are in an area properly approved for the keeping of the same by licensed junk dealers or automobile dealers.

1.9.11 The penalty for violation of the provisions of this Article shall not be less than Ten Dollars ($l0.00) nor more than Twenty Dollars ($20.00) for each offense. Each day that each violation continues shall constitute a separate offense.

1.9.12 (Moved to 2.5.2.2 on 6/12/78)

1.9.13 The Selectmen shall from time to time establish regulations as necessary to insure safe and proper operation and conduct at the Town Beach, such regulations to be enforced by the Police Department and failure to comply shall be subject to fines under this Division.

1.9.14 No person shall use or operate a motorized recreation vehicle including motorcycles, trail bikes, minibikes, snow vehicles, all-terrain vehicles, and similar types, on public or private property, within the confines of the Town of Bolton, except with the consent of the owner thereof or his duly authorized representative. In the case of public land, consent shall be obtained from the appropriate Town Board.

1.9.15 The practice of going in and upon private residences of the town by commercial agents, selling agents, solicitors and canvassers, transient vendors and itinerant merchants for the purpose of soliciting orders for services or for the sale of goods, wares, and merchandise by means of samples, lists, catalogues or otherwise, without having been requested or invited to do so by the owner or occupant of said private residences, is prohibited and hereby declared a nuisance.

The provisions of this Bylaw shall not apply to officers or employees of the Town, County, State or Federal governments; hawkers and peddlers registered by the State and the Town under appropriate laws and regulations, candidates for public office or political parties recognized by the Commonwealth; religious organizations for the purpose of spreading the teachings of their religious beliefs, but not for the purpose of selling or soliciting; and nonprofit, charitable organizations upon registration by the President or Treasurer with the Chief of Police. Such registrations must be renewed yearly.

1.9.16 Gas Inspector

The Board of Selectmen shall appoint each year an Inspector of Gas Piping and Gas Appliances whose duty shall be the enforcement of the rules and regulations adopted by the board established under Section 12H of Chapter 25 of the General Laws.

1.9.17 Plumbing Inspector

The Inspector of Buildings in accordance with the provisions of Chapter 142, Section 11 of the General Laws, shall appoint annually an Inspector of Plumbing, who shall carry out his duties as set forth in said statute.

1.9.18 Inspector of Buildings

The Board of Selectmen shall appoint each year an Inspector of Buildings. His responsibilities are described in Section 2.1.2 Administration.

1.9.19 Hunting, Trapping and Firearms Regulations

a) No person shall fire or discharge any firearms, or set traps, on any property without the written consent of the owner or legal occupant.

b) No person shall fire or discharge any firearm, hunt, or set traps, on any public property without the written consent of the officials, or their agent for this purpose, charged with the management of the particular public property. For the purposes of this bylaw, regulations promulgated by state agencies having jurisdiction over public property within the Town of Bolton specifically authorizing hunting, fishing thereon shall constitute written consent.

c) This Bylaw shall not apply to the lawful defense of life and property nor any Law Enforcement Officer in the performance of his duties.

1.9.20 Fire Protection Systems

Pursuant to Section 98 of Chapter 143 of the General Laws, the Selectmen may adopt regulations relative to fire protection systems with the approval of the Fire Chief after consultation with the Planning Board.

1.9.21 The Town of Bolton may use employees of the Highway Department as flag persons for traffic control during any road maintenance or repair project being performed by the Town.

1.10 REMOVAL OF SOIL, LOAM, SAND AND GRAVEL

1.10.1 The removal of soil, loam, sand or gravel from any parcel of land not in public use in the Town of Bolton, except as hereinafter provided, shall be allowed only after a written permit therefore is obtained from the Board of Selectmen after a Public Hearing of which due notice is given.

1.10.2.1 The Board of Selectmen shall fix a reasonable time for the hearing for a removal permit and shall cause the notice of the time and place of such hearing thereof and of the subject matter, sufficient for identification, to be published in a newspaper of general circulation in the Town. Such publication to be not less than seven (7) days before the day of the hearing, or by posting such notice in a conspicuous place in the Town for a period of not less than seven days before the day of such hearing, and also send notice by mail, postage prepaid, to the petitioner and to the owners of all property deemed by the Board to be affected thereby including the abutters notwithstanding that the abutting land is located in another city or town, as they appear on the most recent tax lists. The publication required by this section shall contain the following printed in bold face type:

a) the name of the petitioners;
b) the location of the area or premises which are subject of the petition; and
c) the date and place of the Public Hearing.

1.10.2.2 No permit shall be required for the removal of soil, loam, sand or gravel from any parcel of land when incidental to and in connection with the construction of a building on the parcel. No permit shall be required by a home owner or farmer for the transfer of loam, sand, or gravel from one part of his own lot to another part thereof for the improvement of his own lot. Nor shall any permit be required for removal of loam, sand or gravel in connection with the improvement or construction of any road over a lot provided such loam, sand or gravel so removed is used on said lot to improve the same and is not contrary to the regulations of this Bylaw as adopted. No permit shall be required by quarries operating at the time this Bylaw is adopted so long as the sale of soil, loam and gravel is not involved.

1.10.2.3 A permit shall be issued without hearing by the Board of Selectmen for the removal of sand or gravel from any lot within the Town wherein the removal operation can be proven by the owner to said Board to have been in continuous operation since October 10, l956.

1.10.2.4 All permits in force as of the effective date of this Bylaw, are subject to said Bylaw and the holders thereof are required to submit applications for permits in accordance with the terms of this Bylaw for hearings to be held at least one (1) week prior to the anniversary date of the presently issued permit. Permits will be granted as recited in this Bylaw for a period not to exceed three years and all procedures shall be followed as set forth in this Bylaw concerning hearings prior to the issuance of permits.

1.10.3 In issuing a permit under this Bylaw, the Board of Selectmen may impose such conditions not specifically provided therein as it may deem necessary for the adequate protection of the neighborhood and the Town. Any conditions imposed by the Board shall be attached to and made a part of the permit. The Board may, in its discretion, require a bond, certified check, or other security for compliance with such conditions or as evidence of good faith as to the completion of any proposed construction. The Board may, after a Public Hearing on proof of violation of any condition, revoke any permits so issued. No permit shall be issued under the provisions of this Bylaw for a period of more than three years.

1.10.4 Sand and gravel may be removed from any parcel of land except within 300 feet of a street or way, and the Board shall issue a permit therefore provided, however, that the Board shall impose such reasonable conditions as to the disposition of topsoil and the re-establishment of ground levels and grades as it may deem necessary.

1.10.5 Soil or loam may be removed and sold from any parcel of land within such parcel determined by the Board to be unsuited to agricultural use, and the Board may issue a permit for such removal, provided, however; that the Board shall in making such decision, obtain the recommendations of the appropriate Soil District Supervisor and the County Extension Director or Agent or their successors, and their recommendations shall be made a part of the records of the Board. In issuing a permit, the Board may impose reasonable conditions as to the re-establishment of ground levels and grades.

1.10.6 Notwithstanding the provisions of the above, the Board may issue a permit for the removal of soil or loam from any parcel of land in the Town where such removal is necessarily incidental to and in connection with the construction of a road or other facility involving a permanent change in the use of the land. The Board shall issue no such permit unless it is reasonably satisfied that the construction will be completed and evidence thereof shall be made part of the records of the Board.

1.10.7 Sand or gravel may be removed from any parcel of land within such parcel lying within 300 feet of any street or way, provided a permit therefore has been issued by the Board after satisfactory evidence that such removal will not be seriously detrimental or injurious to the neighborhood provided further that the Board shall impose reasonable conditions as to the method of removal, the re-

establishment of ground levels and grades and the planting of the area to suitable cover, as it may deem necessary.

1.10.8 The penalty for violation of the provisions within this division (or article) shall be as follows. For each offense: Fifty Dollars ($50.00); and each day that each violation continues shall constitute a separate offense.

1.11 PROTECTION OF GROUNDWATER

In order to protect, preserve, and maintain the existing and potential groundwater supply and groundwater recharge areas within the Town of Bolton, no person shall alter the quality of any surface water or groundwater without first filing with the Board of Health and obtaining and complying with a groundwater alteration permit. For the purposes of this Bylaw, the following activities are allowed without permit:

a) Application of fertilizer and pesticides in accordance with manufacturers' recommended procedures or standards approved by state, federal, or local agency.

b) Non-injection sewage disposal (e.g. typical domestic septic systems) in accordance with Title 5 of the State Environmental Code.

c) Construction of single family dwellings, additions and accessory buildings.

This Bylaw should in no way be interpreted to limit or restrict the authority of the Board of Health.

1.11.1 Permit

The Board of Health shall issue and improve regulations which shall govern filing procedures and other matters related to carrying out the requirements of this Bylaw.

The Board of Health shall, within 21 days of receipt of all required information, determine at a public meeting whether the proposed alteration will have a significant effect on the groundwater quality, groundwater recharge or groundwater elevation. If the Board of Health determines that insufficient information has been provided by the applicant or that additional technical consultation is required it may delay the determination until the required information and/or consultation can be provided.

1.11.2 Performance Standards

Any alteration subject to the permit requirements of this Bylaw shall comply with the following minimum performance standards.

a) All hazardous material shall be retained in product-tight containers and removal and disposal off-site shall be directed by the Board of Health. No hazardous material shall be present in wastes disposed of on-site.

b) Process wastes from operations other than personal hygiene and food for residents, patrons, and employees shall be treated so that contaminant levels in groundwater resulting from such disposal will not exceed background levels of individual constituents. Process wastes shall be disposed of in a separate location from wastes generated from personal hygiene and food for residents, patrons, and employees or from building and parking area drainage.

c) All chemicals, fuel, fertilizers, pesticides or other potentially contaminating substances shall be stored and handled in such a way that will prevent the release of leachate to (surface or) groundwater. Storage and handling measures shall include protection from vandalism, accidental damage or corrosion.

d) All underground tanks shall meet the initial and periodic inspection requirements as promulgated in Board of Health underground tank regulations. Underground tanks of 300 gallons or less shall not be inspected more than once every four years.

e) All runoff from artificial impervious surfaces shall be recharged where possible on the site, diverted toward areas covered with vegetation for surface infiltration. Dry wells shall be used only where the above methods are infeasible, and shall be preceded by grit chambers to facilitate removal of contaminated solids. No discharge directly into surface waters without intervening mitigative measures, including trapped catch basins and oil absorbents, will be allowed.

f) New commercial earth removal operations shall be limited to a minimum of 4 feet above maximum ground water and exposed land shall be returned to its natural vegetative state as of the date of implementation of the Bylaw when excavation is complete.

g) An erosion and sedimentation plan shall be provided to control the effects of construction to maximize on-site recharge.

1.11.3 The Board of Health, its agents, offices and employees may enter upon the land on which an alternative is proposed in response to a filing or application, and/or for the purposes of carrying out its duties under this Bylaw, and may make or cause to be made such examination or survey as it deems necessary.

1.11.4 This Bylaw shall not apply to emergency projects necessary for the protection of the health and safety of the residents of Bolton and ordered or performed by an administrative agency of the town, state or federal government.

1.11.5 Appeal from this Bylaw shall be to the Superior Court within 15 days of the issuance of a decision by the Board of Health.

1.11.6 Fine for violation of this Bylaw shall be Fifty Dollars ($50.00) for each offense, each day of violation to be a separate offense.

1.11.7 The invalidity of any section(s) or provision(s) of this Bylaw shall not invalidate any other provision or section thereof.

1.11.8 Definitions

a) Alter: As used in this Bylaw shall mean the undertaking of any activity or construction which will change the existing drainage patterns, recharge characteristics or recharge, ground or surface water constituents, either temporarily or permanently, or which, through production, storage, or transportation of toxic or hazardous substances in any amounts beyond those necessary for normal household use, may foreseeably result in accidental introduction of those substances into ground or surface waters.

b) Hazardous Material: A material or combination of material, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

l) Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating illness; or

2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

c) Maximum Groundwater Elevation: The height of the groundwater table when it is at its maximum level of elevation as stated in State Environmental Code, Title 5.

d) Person: As used in this Bylaw shall include: Any individual, group of individuals, association, partnership, corporation, company, business, organization, trust estate, the commonwealth or political subdivision thereof, administrative agency, public or quasi-public corporation or body, or any other legal entity or its legal representatives, agents or assigns.

1.12 COUNCIL ON AGING

The Council on Aging shall consist of nine registered voters of the Town and shall be appointed by the Board of Selectmen for terms not to exceed four years for any member. Said terms shall be staggered so that not more than three appointments shall be made in any calendar year. Members can be re-appointed for consecutive terms. Failure to attend seven (7) out of the regularly scheduled ten (10) monthly meetings may result in termination of membership on the Council.

1.12.1 The duties of said Council on Aging shall be to:

a) identify the total needs of the community's elderly population;

b) educate the community and enlist support and participation of all citizens concerning these needs;

c) design, promote or implement services to fill these needs, or coordinate present existing services in the community;

d) promote and support any other programs which are designed to assist elderly programs in the community.

1.12.2 Said Council on Aging shall coordinate with the Commonwealth of Massachusetts Office of Elderly Affairs and shall be cognizant of all state and federal legislation concerning funding, information exchange, and program planning which exists for better community programming for the elderly.

1.12.3 Said Council on Aging shall give an annual report to the Board of Selectmen with a copy of that report directed to the Commonwealth of Massachusetts Office of Elderly Affairs.

1.13 STREET NUMBERING

1.13.1 All houses, businesses and structures shall properly display at the front thereof, in a position easily observed from the street on a year round basis, the proper number of the building assigned by the Town. Assignment of numbers shall be obtained from the Building Inspector at the time the building permits are approved. Owners of houses, businesses and structures without numbers at the time of passage of this bylaw shall obtain the proper number from the Building Inspector as soon as possible.

1.13.2 In cases where a house, business or structure is not visible from the street, or the distance is too great for a reasonable size number to be easily seen from the street, a sign, no larger than twelve (12) inches by twelve (l2) inches with numbers not less than three (3) inches in height and one and one quarter (1.25) inches in width, shall be posted at the street end of the driveway, and on the same side of the street, in such a way as to be seen by emergency vehicles approaching from either direction. This sign may be substituted by numbers not less than three (3) inches in height and one and a quarter (1.25) inches in width on both sides of the mailbox only if the mailbox is located at the end of the appropriate driveway and on the same side of the road.

1.13.3 In cases where more than one house, business or structure shares a common or shared driveway, or the buildings are not visible from the street, or the distance is too great for a reasonable size number to be easily seen from the street, a sign shall be posted at the street end of the driveway on the same side of the street in such a way as to easily be seen by emergency vehicles approaching from either direction. This sign shall designate the range of numbers for which the driveway serves.

This sign may not exceed the twelve (12) inch by twelve (l2) inch dimension in order to accommodate the full set of numbers in a way easily seen from emergency vehicles. The numbers shall not be less than three (3) inches in height and one and a quarter (1.25) inch in width. The owner(s) will be notified by the Building Inspector by letter if this is necessary. Each driveway branching off of the common or shared driveway, and all subsequent branchings, must have additional sign(s), dimensioned and visible as outlined above, at that immediate junction indicating which number(s) are served by that driveway.

1.13.4 In all cases each figure shall be at least three (3) inches in height and shall be clearly visible. Said numbers shall contrast with their background. Numbers placed on signs must be placed at a height of not less than three (3) feet from ground level and not exceed five (5) feet from ground level. Signs must be kept clear of brush and other obstacles that would limit visibility of said sign by emergency vehicles.

1.13.5 In cases where a house, business or structure remains unnumbered, or where the numbering may have been lost or destroyed as to be illegible, the owner shall replace the numbering within twenty (20) days after official notification by the Board of Selectmen.

1.13.6 Any violation of Section 1.13.5 beyond the twenty (20) day limit will result in a fine of not more than $l0.00 per day. No permit or Certificate of Compliance of any kind (i.e. occupancy, building, electrical, Smoke Detector Certificate of Compliance) shall be issued by the Town to the owners if their building, dwelling, business or structure is in violation, and does not have a number visible in compliance with this bylaw.