

Town of Medway

General By-Laws of the Town

BY-LAW NAMES AND HISTORY

ARTICLE	BY-LAW NAME	FIRST VOTED	DATE LAST AMENDED	LATEST AMENDMENT
I	Town Meetings and Their Government		6-23-97 A1, STM	Added s.1.9(b)
II	Town Officers and Their Duties		5-12-97 A7, STM	Deleted s.2.15(a),s.2.15(b)
III	Fire Department		5-9-94 A8, ATM	Deleted "Chief" at s.3.3(a)
IV	Water Works Department			
V	Council on Aging		5-8-95 A6, ATM	Changed "seven" to "eleven" at S5.2(a)
VI	Capital Improvement Committee			
VII	Cemetery Trust Funds			
VIII	Trade in Junk, Old Metals and Second-Hand Articles			
IX	Removal of Earth Products			
X	Repairs to Private Ways			
XI	Fire Lanes			
XII	Penal Laws		5-11-98 A22, ATM	Deleted previous and added new s.12.16(g)(2)
XIII	By-Law Changes and Effectivity			
XIV	Prevention of Leakage of Underground Fuel or Chemical Storage Tanks and Systems	5-14-85 A9, ATM		
XV	Town Clerk Fees	5-12-86 A14, ATM		
XVI	License or Permit Denial		12-5-94 A15, STM	Changed first sentence at s16.2(a)
XVII	Historical Properties		2/24/10 stm	
XVIII	Personnel			
			6-28-93 A13, STM	
XX	Noncriminal Disposition of Violations of By-Laws, Rules and Regulations (voted as Article XVIII)		6-28-93 A11, STM	
XXI	General Wetlands Protection		5-13-96 A5, ATM	
XXII	Tobacco/Youth		5-13-96 A6, ATM	
XXIII	Town Administrator		4-28-97 A1, STM	

XXIII	Water Use Restriction	10-27-97 A14, STM	5-11-98 A9, ATM	Changed article number from XXIII to XXIV
-----------------------	-----------------------	----------------------	--------------------	--

ARTICLE	BY-LAW NAME	FIRST VOTED	DATE LAST AMENDED	LATEST AMENDMENT
XXIV	Water Use Restriction	5/13/02		
XXV	Community Preservation		6/6/2005	5/14/2012
XXVI	Storm Water Management	6/6/05		
VI	CIPC	5/14/07		
XV	Town Clerk Fees	5/14/07		
VI	CIPC	5/14/07		
XXII	Wetlands Protection	11/19/07		
II	Open Space	6/2/08		
II	Affordable Housing Trust Fund	6/2/08		5/14/2012
XVII	Historical properties	2/24/2009		
XXIII	Alcoholic Beverages in Park	2/24/09		
XXII	Abandoned Properties	6/14/10	6/13/11	
XXII	Agricultural Committee	6/14/10		
XXIII	Town Administrator	6/14/10		
XVIII	Stretch Code	11/15/10		
II	Amend from \$1,000-25,000.00	11/14/12		

ARTICLE I

Town Meetings and their Government

Section 1.1

- (a) Election of Town Officers, Primaries and State Elections shall be held in the location(s) designated on the warrant.
- (b) The Annual Town Meeting for the election of town officers shall be held on the third Tuesday in May in each year .
- (c) The Annual Town Meeting, except the election of officers, shall be held on the second Monday in May at 7:30 p.m., and if necessary, additional sessions shall be held at 7:30 p.m. on Tuesday, Wednesday, and Thursday of the same week and thereafter as voted, until articles in the Warrant have been acted upon, except that the Annual Town Meeting shall not be adjourned to the third Tuesday in May.
- (d) A special Town Meeting shall be held on the second Monday of November. If the second Monday of November is a state or federal holiday, the Town Meeting shall be held the following day.

Section 1.2

- (a) All town meetings shall be opened at the hour named in the warrant.

Section 1.3

- (a) The warrants for all town meetings shall be directed to either of the constables of the town and voters shall be notified by posting two (2) attested copies of the warrant in each precinct.

Section 1.4

- (a) At any meeting held for the transaction of town business, no person whose name is not on the list of voters shall be admitted to the floor of the hall without the permission of the Moderator, and it shall be the duty of the constables and police officers to enforce this By-Law, but the same shall not apply to the annual town elections while the voters are casting their ballots.

Section 1.5

- (a) Fifty (50) or more legal voters shall constitute a quorum for the transaction of business at any special town meeting, except for any change in the zoning By-Laws, for which purpose one hundred (100) or more legal voters shall constitute a quorum, and that one hundred (100) or more legal voters shall constitute a quorum for the annual town meeting.

Section 1.6

- (a) When a question is under debate, until it is disposed of, no motion shall be received but to adjourn the meeting, to move the previous question, to lie 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.

Section 1.7

- (a) No vote shall be reconsidered at the same meeting, unless ordered by two thirds (2/3) of the voters present and voting thereon.

Section 1.8

(a) Town Meeting votes, duly recorded, may be moved for reconsideration only during the session of the town meeting at which the original vote is recorded, except that if less than one (1) hour of time elapses between the original vote and the official time of adjournment of the town meeting, the difference in minutes between such actual time and one (1) hour's time shall be allowed to carry forward to the adjourned session immediately following.

(b) The only exception to this By-Law that shall be allowed is when it is ruled by Town Counsel that the original vote, as recorded, is unlawful according to an existing ordinance or By-Law of the Town of Medway, or according to statute of the Federal Government, or the General Law of the Commonwealth of Massachusetts.

(c) Nothing in this By-Law shall be construed so as to prevent the same article or a similar article from appearing in the warrant of any subsequent town meeting.

Section 1.9

(a) The Moderator shall make declaration of all votes passed, and when a question is put, the sense of the meeting shall be taken by the voices of those voting, and the Moderator shall announce the vote as it appears to him by the sound; but if he is unable to decide by the sound of the voices, or if his announcement made thereupon is doubted by seven voters, rising in their places for the purpose, the Moderator shall order a return of the number voting in the affirmative and in the negative without further debate upon the question, and no motion whatever will be entertained by the chair while verifying a vote. Whenever a vote is doubted and a return of the number voting is ordered, all persons for or against the question, when called on by the Moderator, shall rise in their places and stand until they are counted.

(b) On matters requiring a two-thirds (2/3) vote by statute, a standing count need not be taken unless the vote so declared by the Moderator is immediately questioned by seven (7) or more voters rising in their places for that purpose as provided in these By-laws,

Section 1. 10

(a) The duties of the Moderator not prescribed by the statutes or by the foregoing By-Laws shall be determined by the general rules of parliamentary law so far as they may be adapted to town meetings.

I, 1-10

ARTICLE II

Town Officers and their Duties

Section 2.1

(a) All boards of town officers shall, so far as practicable, transact all business coming under their supervision at meetings of the several boards at which a majority of the members are present except as otherwise provided by law. They shall keep a record of all contracts, receipts and payments of money, votes and appointments, and all other transactions had by them,

including schedules of all town property under their care or control. At the close of each year, they shall prepare a report of all their doings with a statement in detail of all their payments and expenditures and all liabilities incurred by them, including all outstanding orders and claims against the town, the valuation of all property of the town in their hands or under their care, and all debts due to the town, and submit an estimate of their probable expenses for the ensuing year in their several departments to the Town Administrator.

Section 2.2

(a) All town officers, whether elected or appointed, shall pay all money belonging to the town, received by them in their respective departments, for the sale of property or from any other source whatsoever, to the Town Treasurer, on or before the fifth day of each month.

Section 2.3

(a) No town officer or member of any committee chosen by the town, or any agent of any such office or committee, shall have any pecuniary interest otherwise than in common with the citizens of the town in general, in any contract or bargain made or approved in behalf of the town by himself, or any board or committee of which he is a member, or for which he may act as an agent.

Section 2.4

(a) If any person appointed as a town officer does not take the oath of office within fifteen (15) days after notice of appointment, his office shall thereupon become vacant and such vacancy shall forthwith be filled by the Selectmen or other appropriate appointing authority.

Section 2.5

(a) The Town Administrator shall have the general care and custody direction and management of all of the property of the town in all matters not otherwise provided for.

Section 2.6

(a) The Selectmen shall have the full authority, as agents of the town, to institute and prosecute suits in the name of the Town, and to appear and defend suits brought against it, unless it is otherwise specifically ordered by a vote of the town at a meeting called for that purpose. They shall consider all claims made against the town for damages, or breach of contract, and may, within the advice of counsel, settle the same, provided in no case shall a settlement be so made by a payment of more than twenty-five thousand dollars (25,000.00) without a vote of the town.

Section 2.7

(a) The Town Administrator shall have authority to sell obsolete, surplus or unused town equipment at public sale.

Section 2.8

(a) The report of the Town Clerk shall show the number of births and marriages in the town during the year, the number of deaths and burials, whether the death occurred in the town or not, the number of licenses for different purposes issued during the year, and the sums received therefore the use of the town. He shall keep a file of all town reports, reports submitted by all committees chosen by the town, and all original documents relating to the affairs of the town which come into his custody. He shall suitably index all such reports and all the records of the town in his custody in a manner convenient for reference and examination.

Section 2.9

(a) The Treasurer-Collector shall keep a separate account with each appropriation of money voted by the town, and no money shall be paid out except for the purpose for which it was appropriated. All moneys received by the Treasurer Collector, not especially appropriated shall be kept in an account of unappropriated funds, to be disposed of as the town may direct.

Section 2. 10

(a) The Assessors shall publish in 1975 and on each succeeding fifth year thereafter, and whenever at other times the town shall instruct them to do so, the full valuations and tax lists, both real and personal property, assessed within the town or upon which taxes are paid to the town, and each year the usual summary thereof.

Section 2. 11

(a) The Board of Selectmen may maintain a suitable place as a public dump, where the inhabitants of the town shall have the right, under suitable regulations made by the Board of Health, to deposit ashes, cinders, papers, tin cans, and such other rubbish as may be permitted. Said dump shall be under the care and supervision of the Board of Health.

(b) The Selectmen shall annually, between the fifteenth day of April and the Fifth Day of May, designate clean-up week in the town.

Section 2.12

(a) There shall be a Building Code of Appeals for the purpose of hearing appeals from rulings made by the Inspector of Buildings as provided for in the State Building Code. The Board of Selectmen shall appoint said Board to consist of five members; one member to be appointed for five years, one member for four years, one member for three years, one member for two years, and one member to serve for one year. Thereafter, each member shall serve for five years or until his successor has been appointed.

Section 2.13

(a) There shall be a Finance Committee consisting of nine registered voters of the town who shall be sworn to the faithful performance of their duties. No elected or appointed town official or town employee, shall be eligible for membership on the Finance Committee.

(b) Annually not later than the first day of July, an appointment committee as provided for in the town charter shall appoint three members for a term of three years in place of those whose terms shall expire in that year.

(c) The Finance Committee, acting on behalf of the town residents, shall be responsible for the timely and thorough review of all financial statements, forecasts, and recommendations to be presented in conjunction with warrants for expenditures at the annual town meeting, as authorized under Section 6 of Chapter 2 of the town charter.

(d) The Committee shall meet, choose its own officers, and adopt such rules and regulations affecting its government as may from time to time are necessary.

(e)

Section 2.14

"Section 2.15

- (a) *There shall be a Design Review Committee consisting of at least five (5) members who reside in Medway who shall be sworn to the faithful performance of their duties.*
- (b) *The Design Review Committee shall be appointed by the Planning and Economic Development Board. Committee members shall serve two (2) year staggered terms, with majority of the first members appointed for a two (2) year term and the remaining initial members appointed for a one (1) year term. Thereafter, each member shall serve for two (2) years or until his successor has been appointed.*
- (c) *The Design Review Committee shall include one member of the Planning and Economic Development Board and a representative of the Medway Business Council. The remaining members should have experience and/or training in architecture, landscape design, site design, graphic design, sign design, planning, or other suitable professions that could be helpful to the Committee's work.*
- (d) *The Design Review Committee shall assist and advise the Planning and Economic Development Board, its applicants, and other town boards as may request such assistance, with regard to the review of applications for subdivisions, site plans, special permits, sign permits, scenic road work permits, and other development proposals.*
- (e) *The Design Review Committee's recommendations shall be advisory and may include suggestions for modifications to proposed designs and conditions for approval of development proposals.*
- (f) *In performing its work, the Design Review Committee shall be guided by the Medway Master Plan and by Design Guidelines to be developed by the Committee and adopted and published by the Planning and Economic Development Board after a duly called and advertised public hearing. The Planning and Economic Development Board may amend the Design Guidelines from time to time after a duly called and noticed public hearing in accordance with customary Planning and Economic Development Board practice."*

Section 2.16

- (a) *There shall be established a Development Review Coordinating Council consisting of at least eleven (11) members who reside in Medway or work for the Town of Medway who shall be sworn to the faithful performance of their duties.*
- (b) *The Development Review Coordinating Council shall be comprised of the following:*
 - 1. *Director of the Department of Public Services or designee*
 - 2. *Fire Chief or designee*
 - 3. *Inspector of Buildings/Zoning Enforcement Officer*
 - 4. *Police Chief or designee*
 - 5. *Representative of the Board of Health or its staff or Agent*
 - 6. *Representative of the Board of Selectmen*
 - 7. *Representative of the Conservation Commission or its staff or Agent*
 - 8. *Representative of the Industrial Development Commission*
 - 9. *Representative of the Planning and Economic Development Board or its staff or Agent*

- 10. Representative of the Water and Sewer Commission or its staff or Agent
- 11. Town Administrator

At the discretion of the Town Administrator, other Town boards/committees/ departments/agencies including but not limited to the Design Review Committee, Historical Commission and the Zoning Board of Appeals, or their Agents, and the Town's Consulting Engineer and Planner, may also be represented.

- (c) The Committee shall be available to meet with developers, businesses, property owners and/or their agents, which have submitted an application for a development project to one or more boards/departments in the Town of Medway. The Council shall review plans, identify concerns early in the design process, and discuss municipal permitting procedures and time schedules. The goal is to encourage private investment in Medway by providing for more coordinated project review and permitting procedures.
- (d) The Council shall be convened by the Town Administrator or its designee, upon request of any Council member.
- (e) The Council, with the assistance of the Town Administrator, may establish internal procedures and develop other tools to facilitate permitting review and coordination.
- (f) The Council, with the assistance of the Town Administrator, may establish its own operating guidelines relative to scheduling, participation and coordination.

Section 2.17 Open Space Committee

- a) There shall be established an Open Space Committee consisting of at least five (5) but not more than nine (9) voting members who reside in Medway who shall be sworn to the faithful performance of their duties.
- b) The Open Space Committee shall be appointed by the Planning Board. Committee members shall serve two (2) year staggered terms, with the majority of the first members appointed for a two (2) year term and the remaining initial members appointed to a one (1) year term. Thereafter, each member shall serve for two (2) years or until a successor has been appointed.
- c) The membership shall consist of individuals with experience, training or a dedicated interest in open space preservation, land planning, conservation, real estate acquisition, mapping, fundraising, communications and such other professions as could be helpful to the Committee's work.
- d) Duties - The Open Space Committee shall have the following responsibilities and duties:

1. Assist and advise the Planning Board, its applicants, and other Town boards/committees and departments as may request such assistance with regard to the review of applications for land development permits with the goal of securing open space areas for the community.
 2. Serve as an information source and advocate for the acquisition of land for conservation, open space, recreation and related purposes and make recommendations for its purchase.
 3. Update and implement of Medway's Open Space Plan pursuant to Massachusetts Department of Conservation and Recreation guidelines.
 4. Maintain an open space inventory.
 5. Work with Medway residents, Town departments/boards/committees, state and federal officials and agencies, and private non-profit land conservation organizations to further the preservation of Medway's open space resources.
 6. Encourage philanthropy and private efforts to preserve open space.
 7. Develop community education programs and communication tools regarding the value and use of open space areas.
- e) The Open Space Committee shall choose its own officers and may adopt rules of procedure regarding its functioning and operation.
- f) In performing its work, the Open Space Committee shall be guided by the Medway Master Plan and the Medway Open Space and Recreation Plan.

Section 2.18 Medway Affordable Housing Trust Fund

- (a) Authority/Establishment - Pursuant to the authority of Massachusetts General Laws chapter 44 section 55C, there is hereby created a local municipal affordable housing trust fund to be known as the Medway Affordable Housing Trust Fund (hereinafter: "Trust Fund")
- (b) Purposes - The purposes of the Trust Fund shall be to:
1. Receive, hold, invest, and/or expend funds for research, acquisition, construction, rehabilitation, renovation, repair, maintenance, financing or refinancing of property within the Town of Medway so that such property will be substantially available as affordable housing for low and moderate income households and to further provide mechanisms to ensure such use; and
 2. Utilize funds for temporary consulting services including but not limited to engineering and legal fees that allow the Town of Medway to provide or preserve real property in the Town so that such property will be substantially available as affordable housing for low and moderate income

households and to further provide mechanisms to ensure such use.

- (c) Powers and Duties - The Trust Fund shall have the responsibility to support the creation and preservation of affordable housing in order to secure rental and home ownership opportunities for the community's low and moderate income households. The Trust Fund shall have the powers and duties specified in Massachusetts General Laws chapter 44 section 55C provided that it shall have no ability to borrow money, or mortgage or pledge Trust assets without prior Town Meeting approval. It shall have the following additional powers and duties:
1. To establish criteria and/or qualifications for recipients and expenditures in accordance with the Trust Fund's above stated purposes.
 2. To employ consultants and full or part-time staff, to contract for administrative and support good and services, and to expend up to ten percent (10%) of Trust Fund receipts for these purposes.
- (d) Source of Funds - As a means of providing available assets for the Trust Fund, all monies received by the Town through the following means shall be paid over to and become a part of the fund for the purposes set forth herein.
1. Cash payments made by developers to the Town under applicable provisions of the Medway Zoning Bylaw in lieu of affordable dwelling unit set asides and developer agreements made under Section 14 of Chapter 716 of the Acts of 1989.
 2. Funds authorized by Town meeting for community housing purposes under chapter 44B of Massachusetts General Laws, the Community Preservation Act.
 3. Public and private gifts, grants, donations, contributions or other cash payments made to and accepted by the Town for the purpose of providing low and moderate income housing.
 4. Monies obtained through fines, restitution or damages collected in connection with the administration of any local affordable housing bylaw.
 5. Any other source of revenue determined by Town Meeting, as allowed by law.
- (e) Composition - The Trust Fund shall have at least five (5) Trustees at all times. The Trustees shall be appointed by the Board of Selectmen. In making appointments, the Board of Selectmen shall endeavor to provide a broad based membership including affordable housing advocates, legal, banking, financial, and real estate professionals, and other members of the local business community.
- (f) Term of Office - The Trustees shall serve a term of two (2) years except that one half of the initial Trustee appointments

shall be for a term of one (1) year, or until such time as a successor is appointed, should said appointment be delayed.

- (g) Organization - The Trustees shall annually elect one Trustee to serve as Chairperson. The Chairperson may establish sub-committees and/or ad hoc task related committees to carry out the purposes of the Trust Fund. Chairpersons of the sub-committee may be selected by the members of the sub-committees.
- (h) Filling of Vacancies - In the event of a vacancy in the position of Trustee, the appointment shall be made in the same manner as the original appointment.
- (i) Meetings/Quorum - Meetings of the Trust Fund shall be held on a regular basis. Special meetings may be called by the Chairperson or by any two (2) Trustees. Notice of any meeting of the Trust Fund shall be filed with the Town Clerk and posted in accordance with Massachusetts General Laws chapter 39, section 23, the Open Meeting Law. A majority of the number of appointed members shall constitute a quorum and shall be required to approve any motion.
- (j) Treasurer-Collector as Custodian - The Medway Treasurer-Collector shall be the custodian of the Trust's funds and shall maintain separate accounts and records for said funds. He or she shall invest the funds in the manner authorized by sections 55, 55A and 55B of chapter 44 of the Massachusetts General Laws. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.

Section 2.19 - Affordable Housing Committee

- (a) There shall be established a Medway Affordable Housing Committee consisting of at least five individuals who reside in Medway who shall be sworn to the faithful performance of their duties.
- (b) The Affordable Housing Committee will work proactively toward the creation of more affordable housing opportunities in the community. The Committee will have the following duties and responsibilities:
 - 1. Serve as a resource on all issues relating to affordable housing in the Town of Medway for the Town's elected officials, appointed boards and the community at large.
 - 2. Develop and advocate for the establishment of affordable housing programs and opportunities, working to implement the affordable housing recommendations of the Medway Master Plan and other community housing plans.
 - 3. Develop and recommend changes to Town bylaws and regulations to implement initiatives to encourage more affordable housing in Medway.
 - 4. Establish standards of eligibility for affordable housing in Medway; assist with lotteries.

5. Recommend to the Community Preservation Fund Committee the use of Community Preservation Act funds for affordable housing purposes.
6. Assist and advise the Planning and Economic Development Board, the Zoning Board of Appeals and other town boards as may request such assistance with regard to development applications which include affordable dwelling units. The Committee's recommendations are advisory and may include suggestions for modifications to proposed designs and conditions for approval of development plans.
7. Conduct research and periodically update community affordable housing plans
8. Increase public awareness of the need for affordable housing
9. Identify local, state and federal housing resources available to Medway.
10. Advocate for state and federal legislation and regulations that advance the provision of affordable housing in Medway.
11. Perform such other duties as the Selectmen and/or Planning and Economic Development Board may determine in response to the need for affordable housing in Medway or as may be specified by the Medway Zoning Bylaw or other Town Bylaws.

(c) The Affordable Housing Committee shall be appointed by the Board of Selectmen. Committee members shall serve two year staggered terms with the majority of the first members appointed for a two year term and the remaining initial members appointed for a one year term. Thereafter, each member shall serve for two years or until his successor has been appointed.

(d) The Affordable Housing Committee shall be comprised of individuals who have experience and/or training in real estate development and finance, construction, non-profit housing development, program administration, planning, real estate, human services, law, or other suitable professions that could be helpful to the Committee's work. The Committee should include at least one Medway resident who lives in an affordable dwelling unit. Associate members may also be appointed to the Affordable Housing Committee as liaisons from other Town board/committees/departments or Medway housing agencies/organizations involved in affordable housing.

Section 2.20 Economic Development Committee

(a) There shall be a Medway Economic Development Committee (EDC) consisting of at least seven but not more than eleven individuals who reside or work in Medway who shall be sworn to the faithful performance of their duties.

(b) The Economic Development Committee will work proactively to promote, encourage and facilitate the development of responsible and properly planned business and industrial growth within the community

in order to expand and strengthen the local economy and diversify the community's tax base.

1. Serve as a resource on matters relating to economic development in the Town of Medway for the Planning and Economic Development Board and other Town officials and the community at large.
2. Develop and advocate for the establishment of economic development initiatives working to implement the economic development recommendations of the Medway Master Plan.
3. Cooperate with interested private concerns, civic or community economic development organizations/associations and with regional state and federal agencies in the attraction of new industry and in the encouragement of expansion of existing industries and businesses.
4. Conduct research and assemble information pertaining to economic resources, labor market, industrial site and development opportunities; develop and publish booklets, brochures, and pamphlets to promote Medway locations for economic investment.
5. Establish and maintain economic development information for the web sites of the Town and allied economic development agencies.
6. Develop and recommend changes to Town bylaws and regulations to implement initiatives to encourage economic development in Medway.
7. Assist and advise the Planning and Economic Development Board, the Zoning Board of Appeals and other town boards as may request such assistance with regard to development applications. The Committee's recommendations are advisory and may include suggestions for modifications and conditions for approval of development proposals.
8. Initiate and periodically update economic development plans
9. Increase public awareness of the need and importance of community economic development
10. Identify local, state and federal economic development resources available to Medway.
11. Advocate for state and federal legislation and regulations that advance the economic development in Medway.
12. Perform such other duties as the Planning and Economic Development Board may determine in response to the need for economic development in Medway or as may be specified by the Medway Zoning Bylaw or other Town bylaws.

(c) The Economic Development Committee shall be appointed by the Planning and Economic Development Board. EDC members shall serve two year staggered terms with the majority of the first members appointed for a two year term and the remaining initial members appointed for a one year term. Thereafter, each member shall serve for two years or until his successor has been appointed.

(d) The Economic Development Committee shall be comprised of individuals who have experience and/or training in industrial and commercial real estate development, brokerage, site selection, banking, finance, marketing, business development, site construction/infrastructure development, technology or

other suitable professions that could be helpful to the Committee's work. A member of the Planning and Economic Development Board shall serve on the Economic Development Committee.

Section 2.21 - Agricultural Committee

(a) There shall be established a Medway Agricultural Committee consisting of at least 5 and no more than 9 individuals.

(b) The mission of the Medway Agricultural Committee is to encourage the pursuit of agriculture in Medway by working to preserve, revitalize and sustain Medway's agricultural enterprises, rural character and farming traditions. The Committee may undertake any of the following activities to accomplish this mission:

1. Act as a spokesman on behalf of the Medway farming community.
2. Advise the Town's elected officials, appointed boards/committees, Town staff and the community at large, by request or on its own initiative, on issues, projects and activities relating to agricultural lands and farming in the community, including land acquisitions and other land transactions. Develop, propose and comment on warrant articles, Town policies and procedures, and rules & regulations from the perspective of advocating and promoting agriculture concerns. This advice may include the presentation of oral or written testimony at public meetings and hearings before any Town Board or Committee.
3. Serve as representatives, advocates, educators, facilitators and/or mediators in the resolution of disputes relating to agricultural issues within the community. Any such recommendations shall be advisory and any such agreements are entered into voluntarily by the parties involved.
4. Promote and support agricultural based economic opportunities in the community.
5. Pursue initiatives appropriate to creating, retaining, and sustaining an agricultural community in Medway including but not limited to farm based recreational activities and agritourism opportunities.
6. Work to preserve, protect and improve private and public agricultural lands & resources.
7. Engage in projects and activities to promote farming including educational programs and special community events.
8. Perform such other duties as the Board of Selectmen may determine in response to the need to encourage agriculture in Medway or as may be authorized by other Town bylaws.

(c) The Agricultural Committee shall be appointed by the Board of Selectmen following an active recruitment process. Committee members shall serve 3 year staggered terms with one-third of the first members appointed for a 3 year term, one-third for a 2 year term and the remaining initial members appointed for a 1 year term. Thereafter, each member shall serve for 3 years or until his successor has been appointed. Vacancies shall be filled by the Board of Selectmen. The Committee may make recommendations for persons to fill vacancies on the Committee. To maintain the staggered cycle of terms, appointments to fill vacancies shall be based on the unexpired term of the open position.

(d) Members of the Agricultural Committee shall either reside in the community or own agricultural property in Medway. A majority of the Agricultural Committee members shall be actively engaged in the business of farming or related agricultural industries. The remaining members shall have a background, expertise, or a demonstrated interest in or an affinity for farming and agricultural traditions. Non-voting associate members who are supporters or friends of Medway farming and agriculture may also be appointed for 1 year terms.

II, 1-21

II, 1-15

ARTICLE III

Fire Department

Section 3.1

(a) There shall be established a Fire Department, the Fire Department to be under the direction of a Fire Chief, who will act as Forest Warden, appointed by the Town Administrator, and shall serve until removed for just cause, resigns or retires. The Fire Chief shall receive a salary, as the Town Administrator may from time to time determine, not exceeding the annual amount appropriated therefore. He shall have charge of extinguishing fires in the town and the protection of life and property in case of fire. He shall purchase, subject to the approval of the Town Administrator, and keep in repair all property and apparatus used for and by the Fire Department. He shall have and exercise all the powers and discharge all the duties conferred or imposed by this by-law. The Town Administrator shall appoint Assistant Chiefs and such officers and firefighters from a list of applicants as needed, and may remove the same at any time for just cause and after a hearing subject to the authority of the Town Administrator. He shall have full authority in the administration of the Fire Department, shall enforce all rules and regulations for its operation, shall report to the Town Administrator from time to time as he may require, and shall annually report to the town the condition of the Department with his recommendations thereon. He shall fix the compensation of the Call members of the Fire Department subject to the approval of the Town Administrator. In the

expenditure of money the Fire Chief shall be subject to such further limitations as the town may impose from time to time.

Section 3.2

(a) The Fire Department shall be composed of no less than forty (40) nor more than sixty (60) firefighters, between the ages of eighteen (18) and sixty-five (65) years, and shall be organized into two (2) or more engine companies.

3.2.1 All firefighters, both on-call and full-time, shall be residents of the Town of Medway or a municipality which is contiguous to the Town of Medway.

Section 3.3

(a) All positions of Assistant Chiefs, Officers and Firefighters shall be classified as part-time employees of the town.

Section 3.4

(a) Mandatory retirement age for all members; Chief, Assistant Chiefs, Officers and Firefighters shall be sixty-five (65) years.

Section 3.5

(a) The Chief, Assistant Chiefs, and all officers, as a committee, shall have the power to modify, delete, or add to the written rules and regulations of the Department. All Department rules and regulations shall be approved by the Town Administrator and Town Counsel. Each members of the Department shall receive a copy of the Department Rules and Regulations as shall the Selectmen, Town Counsel, Town Administrator and Town Clerk.

Section 3.6

All "Just Cause" hearings for removal will be held before the Town Administrator.

Section 3.7

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

(a) "Central Station Operating Company" A company equipped to receive a fire alarm signal from each of its customers and which then transmits to the Medway Fire Department (MFD) the location of any such alarm the central station operating company receives.

(b) "Fire Alarm System" any heat activated, smoke activated, flame energy activated or other such automatic device capable of transmitting a fire alarm signal to either a central station operating company or directly to the NED by way of a master box.

(c) "Fire Alarm System -Malfunction" The transmittal of a fire alarm to a central station operating company or directly to the MFD by way of a master box which alarm is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reasons that caused a fire alarm to sound even though there is no actual fire or situation that reasonably could evolve into a fire.

(d) "Fire Alarm System Owner" An individual or entity who owns the title to and/or has on his business or residential premises a fire alarm system equipped to send a fire alarm signal to a central station operating company or directly to the MFD by way of a master box.

(e) "Fire Chief" The Chief of the Medway Fire Department.

(f) "Master Box Owner" An individual or entity who has on his business or residential premises a fire alarm system equipped to send a fire alarm signal directly to the MFD by way of a master box, which is a municipal fire alarm box.

3.7.2 Connection of Fire Alarm Systems to the Medway Fire Department by way of a Master Box.

(a) Before any fire alarm system is connected to the NED the master box owner shall provide the Fire Chief with the following information:

- (1) The name, address, home and work telephone numbers of the master box owner;
- (2) The street address where the master box is located;
- (3) The names, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected to the master box;
- (4) The names, addresses, home and work telephone numbers of at least two (2) persons other than the owner who can be contacted twenty-four (24) hours a day, who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located; and
- (5) The name and address of the owner's insurance provided.
- (6) Such other information as the Fire Chief may require.

(b) If at the passage of the By-Law, a fire alarm system has already been connected to the MFD by way of a master box, the master box owner shall comply with the requirements of this section within sixty (60) days after the MFD has sent him notice by first class mail of the requirements of this Section.

(c) If a master box owner fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50.00).

3.7.3 Connection of Central Station Operating Companies to the Medway Fire Department

(a) Every central station operating company which has a direct connection on the effective date of this By-Law to the NED shall pay the following fees: annual fee \$200.00

(b) Before any central station operating company is connected with the NED, it shall provide the Fire Chief with the following information:

- (1) The name, address and telephone numbers of the central station operating company;
- (2) The names, addresses, home and work telephone numbers of at least two persons who can be contacted twenty four (24) hours a day, who are authorized by the central station operating company to respond to an alarm signal and who have access to the premises from where the alarm signal is emitting to the central station operating company;
- (3) The names, addresses, home and work telephone numbers, and location of the premises of each customer of the central operating company who has a fire alarm system equipped to send a fire alarm signal to the central station operating company; and
- (4) The name and address of the owner's insurance provider.

(5) Such other information as the Fire Chief may require

(c) If at the passage of this By-Law, a central station operating company already has a direct connection to the MFD, the central station operating company shall comply with the requirements of this section within sixty (60) days after the MFD has sent its notice by first class mail or the requirements for this section.

(d) If a central station operating company fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50.00).

3.7.4 Updating Information

(a) Every master box owner and every central station operating company shall be responsible for updating the information herein required to be provided to the Chief. If the information provided changes, the master box owner and the central station operating company shall provide the Fire Chief with the updated information and shall pay the fee, if any required by the By-Law.

(b) If a master box owner or a central station operating company fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50.00).

3.7.5 Fire Alarm System Malfunctions-Fines

(a) If there is a fire alarm system malfunction, as defined herein, the Fire Chief may assess a fine against a fire alarm system owner for each malfunction per fiscal year according to the following schedule:

(1) First through third malfunction: no charge

(2) Upon the recording of the third false alarm by the Fire

Department, the Fire Chief shall notify the owner of the fire alarm system, in writing, and by certified mail, of such fact, and at that time inform the owner of the department's policy at this time.

(3) Each malfunction after the third: \$200.00

(b) Private fire alarm systems connected to the Medway Fire Department by other automatic means or through a central station system shall be subject to the above conditions and fines.

(c) Any false alarm which is a result of the failure of the property owner, occupant or their agents to notify the MFD of repair, maintenance, or testing of the internal fire alarm system within the protected premises, shall cause a penalty to be assessed in accordance with (1) and (2) above.

(d) for the purpose of this regulation, a false alarm shall be defined as follows:

(1) The operation of a faulty smoke or heat detection device.

(2) Faulty control panel or associated equipment.

(3) Accidental operation of an automatic sprinkler system.

(4) An action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or occupant, causing accidental activation of the internal fire alarm system.

(e) Property owners will be billed once a month for the previous month's malfunction activity. All fines assessed shall be paid to the Town Treasurer/Collector for deposit in the general fund.

(f) If the bill is not paid within thirty (30) days, a second notice will be sent; if the bill is not paid after another thirty (30) day period, a final notice will be sent informing the owner and/or occupant that the master box will be disconnected and the insurance company notified.

3.7.6 Restrictions of Tape Dialers and Similar Automatic Telephone Devices

(a) No fire alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm message to any telephone lines directly to the MFD. If, at the passage of this By-Law, a fire alarm system is equipped with such a tape dialer or similar automatic telephone device, the fire alarm system owner shall have sixty (60) days, following the approval of this By-Law by the Attorney General, to disconnect such tape dialer or similar automatic telephone device. If a fire alarm system owner fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50.00).

3.7.7 Appeal Procedure

(a) Any fire alarm system owner who is aggrieved by an action taken by the Fire Chief under this By-Law may, within ten (10) days of such action, file an appeal, in writing, with the Board of Selectmen of the Town of Medway (the board). After notice the Board shall hold a hearing, after which it shall issue a decision in which it affirms, annuls or modified the action taken by the Fire Chief giving its reasons therefore. The Board shall send its decision to the owner by first class mail within ten (10) days after the hearing. The decision of the Board shall be a final administrative decision.

3.7.8 Regulations and Enforcement

(a) The Fire Chief may promulgate such regulations as may be necessary to implement this By-Law. The Fire Chief is authorized to pursue such legal action as may be necessary to enforce this By-Law.

3.7.9 Deposit in the General Fund

(a) All fines assessed herein shall be payable to the Town of Medway for deposit in the General Fund.

III, 1-6

ARTICLE IV

Water Works Department

Section 4.1

(a) The Water and Sewer Commissioners shall annually, before the tenth day of January, present to the Selectmen a report made up to and including the last day of December preceding for the year ending the last day of December, containing a statement of the condition of the water works and of the land and other property connected therewith, and any information or suggestion which they may deem important.

Section 4.2

(a) It shall be the duty of the Water and Sewer Commissioners to keep the hydrants of the town in good working order and readily accessible at all times.

Section 4.3

(a) The Water and Sewer Commissioners shall have the right, with the approval of the Selectmen, to excavate in any public way for the purpose of laying, removing, repairing or obtaining access to water pipes and connections thereto, and on completion of this work shall immediately cover same and place the way in substantially the same condition which existed before said excavation was undertaken. The Water and Sewer Commissioners shall cause said excavations to be suitably guarded at all times by proper barriers and in addition, a sufficient number of lighted lanterns shall be placed thereon during the period from sunset to sunrise.

IV, 1-3

ARTICLE V

Council on Aging

Section 5.1

(a) The Board of Selectmen shall appoint a Council on Aging for the purpose of coordinating or carrying out programs for the aging.

Section 5.2

(a) The Board of Selectmen shall appoint the Council of Aging consisting of eleven members. Upon acceptance of the By-Law, the Board shall appoint three members for three years, two members for two years, and two members for one year. Members can be re-appointed. The members of the Council shall serve without pay.

Section 5.3

(a) Whenever a vacancy shall occur in the membership of the Council by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled by appointment by the Selectmen for the remainder of the term.

Section 5.4

(a) The Council of Aging at its first annual meeting and thereafter annually in June of each year, shall elect from its membership a Chairman, Vice Chairman, Secretary and Treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Council shall elect one of its members to fill such vacancy.

Section 5.5

(a) The Council shall prepare and submit an annual report of its activities to the town.

Section 5.6

V, 1-6

ARTICLE VI

Capital Improvement Committee

Section 6.1

There shall be established a Capital Improvement Committee which shall perform the duties set forth in the following sections of this By-law and shall be governed by the provisions thereof. Said Committee shall consist of five registered voters of the town and shall be appointed as provided in the following sections.

Section 6.2

The Board of Selectmen shall appoint the five members of the Committee.

Section 6.3

Upon the adoption of the amendment of this By-law establishing the Committee as a five member Committee, the Board of Selectmen shall appoint two members for a term of four years, one member for a term of three years, one member for a term of two years, and one member for a term of one year. Thereafter, upon the expiration of each term, the Board of Selectmen shall appoint or reappoint members for a four year term.

Section 6.4

Whenever a vacancy occurs on the Committee it shall be filled by the Board of Selectmen. Any person appointed to fill a vacancy shall hold office for the unexpired term of the person succeeded.

Section 6.5

(a) The Town Accountant shall be the ex-officio Secretary of the Committee, but shall not be entitled to vote on recommendations to be included in its reports. The Committee shall annually choose its other officers. Committee members shall serve without compensation.

Section 6.6

(a) For the purpose of this By-Law, a capital improvement or project is a physical betterment or item of equipment having a substantial useful life and a total cost that exceeds \$5,000.00. It can be more specifically defined as:

- (1) An expenditure, financed in whole or in part by town funds, enterprise funds and grant monies for the construction, reconstruction, replacement, major repair, extension, or other improvement of public buildings, highways, sidewalks, storm drains, sewerage installations, playgrounds, parks, or like public works, or for a facility, structure, or a utility appurtenant to any of them.
- (2) An expenditure, similarly financed for the purchase of land, an item of equipment, buildings, or structures.

(b) Briefly, capital expenditures are made in order to provide, replace, or improve the facilities that furnish services to the public.

Section 6.7

(a) The Committee shall ascertain annually what capital outlays will be required by the town during the subsequent three years. In making this determination it shall consult with the town, county and state officials, and with other boards and committees of the town as needed. It shall publish an annual report with the Town of Medway annual Finance Committee report and with the annual Town Report and such other reports as it deems advisable and shall include in such reports its recommendations for the scheduling of capital outlays and for the financing of such outlays as in its judgement cannot, or should not, be paid for entirely out of current revenues. The Committee shall assist the Town Meeting with regard to priorities of projects, financing costs, impact of recommended projects on the operating budget, and other related matters.

(b) The Committee shall prepare and maintain a Community Resources profile to be a basis of reference in the Capital Improvements Program planning and recommendations. This profile should include, but not be limited to, the following:

- (1) Survey of Town land, facilities and employees.
- (2) A list of Town office space and the employees that occupy them.
- (3) Review the survey with Department Heads to assess future needs.

Section 6.8

(a) Department heads and chairmen of all boards, commissions, and committees of the town, (elected or appointed) shall, not later than December 1st of each year, submit to the Capital Improvement Committee recommendations and statements of needs and/or proposed plans involving capital outlay requirements for the ensuing three years.

Section 6.9

(a) All projects approved at the annual town meeting following the Capital Improvement Committee's recommendations will be overseen by the Town Administrator as the Town's Chief Procurement Officer, funds for which shall be set aside and released by the Town Administrator only after proper documentation has been submitted indicating the work is complete or the purchase has been made in accordance with the intent of the Capital Improvement Committee and the voters at the annual town meeting.

ARTICLE VII

Cemetery Trust Funds

Section 7.1

(a) All moneys deposited with the Town Treasurer for the perpetual care of cemeteries or cemetery lots shall be invested in accordance with law, by the Treasurer with the approval of the Selectmen. There shall be a board of three cemetery commissioners appointed annually by the Selectmen, two of whom shall be trustees of cemeteries in the town, and the said commissioners shall have charge of expending the income of the said funds. Said commissioners shall annually report in writing all receipts and expenditures during the preceding year, and same shall be printed in the annual town report.

VII, 1

ARTICLE VIII

Trade in Junk, Old Metals and Second-Hand Articles

Section 8.1

(a) The Selectmen may license suitable persons to be dealers in and keepers of shops for the purchase, sale, or barter of junk, old metals or second-hand articles, subject to the provisions of the General Laws, and may revoke such licenses at pleasure.

VIII, 1

ARTICLE IX

Removal of Earth Products

Section 9.1

(a) The removal from any premises of more than three (3) cubic yards of sod, loam, sand, or gravel in any one year shall be prohibited except when

incidental to and in connection with the Construction of a building under a permit issued by the Inspector of Buildings or the construction of streets shown on the profile of a subdivision plan approved by the Planning and Economic Development Board or any other activity authorized by this By-Law. Provided, however, that a use of premises for the excavations or removal of sand and gravel existing at the time of the adoption of the By-Law can be continued and extended throughout the premises. Opening of new sand or gravel pits may be authorized by the Board of Selectmen provided such excavations are not harmful or detrimental to the neighborhood. Removal of topsoil other than specifically permitted in this By-Law is classified as stripping and is prohibited.

Section 9.2 Earth Removal Regulations

(a) Permit Required.

- (1) No soil, loam, gravel, sand or other earth materials shall be removed from any lot within the town unless such removal will constitute an exempt operation as hereinafter provided or is done pursuant to a special permit therefor issued by the Board of Selectmen.
- (2) No permit for the removal of earth materials shall be granted unless the Board finds that the operations conducted under such permit, subject to the conditions imposed thereby, will not be contrary to the best interest of the town. For this purpose, an operation shall be considered contrary to the best interests of the town:
 - (a) Will be injurious or dangerous to the public health or safety;
 - (b) Will produce noise, dust or other effects observable from adjacent property in amounts seriously objectionable or detrimental to the normal use of adjacent property;
 - (c) Will result in change in topography or cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted;
 - (d) Will have a material adverse effect on the water supply, health or safety of persons living in the neighborhood or on the use of or amenities of adjacent land.

(b) Application and Reference to Board of Selectmen

- (1) Each application for a permit for earth material removal shall be accompanied by a plan, submitted in triplicate (the exact size and number of copies of which may be indicated by rule of the Board of Selectmen) prepared at the expense of the applicant by a registered land surveyor or civil engineer, showing:
 - (a) The existing contours of the land every five (5) feet;
 - (b) The contours as proposed after completion of the operation every five (5) feet;
 - (c) The proposed lateral support at all adjacent property;
 - (d) The proposed drainage including calculations;

- (e) Other information necessary to indicate the complete physical characteristics of the proposed operation.

(c) Conditions of Permit.

(1) In granting a permit hereunder, the Board of Selectmen shall impose reasonable conditions specially designed to safeguard the neighborhood and the town, which may include conditions as to;

- (a) Method of removal;
- (b) Type and location of temporary structures;
- (c) Hours of operation;
- (d) Area and depth of excavation;
- (e) Distance of excavation to street and lot lines;
- (f) Steepness of slopes excavated;
- (g) Re-establishment of ground levels and grades;
- (h) Provisions for temporary and permanent drainage;
- (i) Disposition of boulders and tree stumps;
- (j) Replacement of loam over the area of removal;
- (k) Planting of the area to suitable cover, including shrubs and trees;

(2) Cleaning, repair and/or resurfacing of streets used in removal activities which have been adversely effected by the removal activity.

(3) No permit for removal of earth material shall be issued for a period of more than three (3) years, although such permit may be renewed for additional periods in the same manner. The Board shall require a bond or other security to insure compliance with its conditions of authorization, unless, in a particular case, it specifically finds that such security is not warranted and so states in its decision, giving the reason for its finding.

(d) Other exceptions.

(1) The removal of earth material in any of the following operations shall be an exempt operation:

- (a) The removal of less than three (3) cubic yards in the aggregate in any year from any on lot.
- (b) The transfer of material from one part of a lot to another part of the same lot.
- (c) The removal of material necessarily excavated in the lawful construction of a building or structure, driveway, sidewalk or path or other appurtenances incidental to any such building or structure, provided that the quantity of material removed does not exceed that actually displaced by the portion of the building, structure, driveway, sidewalk or path below finished grade.

(e) Permits in proposed subdivisions.

(1) It is the intent of the by-law that the removal of the earth materials in an amount in excess of that permitted in paragraph (d.1.a) La) above from any parcel of land for which a definitive subdivision plan has been prepared shall be allowed only in the same manner as removal from other parcels of land in the town. Consequently, approval of a subdivision plan by the Planning and Economic Development Board shall not be construed as authorizing the removal of material in excess of three (3) cubic yards from the premises.

IX, 1-2

ARTICLE X

Repairs to Private Ways

Section 10.1

(a) The Board of Selectmen may cause temporary repairs to be made on private ways in the town provided that the following conditions are met:

(1) The type and extent of said temporary repairs shall include only the filling of holes or depressions in the subsurface of such ways with sand, gravel or other suitable materials where practical to be the same as or similar to those used for the existing surface of such ways and grading, but shall not include surfacing or permanent construction of said ways. The scope of the work which can be performed will be no change in the character of the way and no permanent expansion or improvement therein.

(2) Existing drainage, when determined by the Board of Selectmen to be the cause of the need for such repairs, may be included within the scope of temporary repairs.

(3) A determination is made by vote of the Board of Selectmen that public necessity requires such repairs.

(4) Such repairs can be only made upon petition by the abutters who own fifty percent (50%) of the linear footage of such total way, and one hundred percent (100%) of the abutters adjacent to the affected area on which the work is to be done.

(5) Betterment charges shall not be assessed.

(6) The town, its officers, agents and employees, in making repairs under this By-Law shall not be liable on account of any damage caused by such repairs. Said repairs shall not be undertaken unless the Board of Selectmen has in its possession agreements executed by all the abutting owners of the affected area to release and save the town, its officers, agents and employees, harmless on account of any damage whatever caused by such repairs. Such agreements to release and save harmless shall be recorded in the Registry of Deeds and shall be deemed to be covenants running with the land and shall be binding upon all subsequent owners thereof

(7) Said private ways shall have been opened to public use for three (3) years or more.

(8) No cash deposit shall be required for said repairs.

X, 1

ARTICLE XI

Fire Lanes

Section 11.1

(a) For the protection of persons and property from the hazards of fire within a shopping mall or shopping center and to facilitate the operation of fire fighting apparatus therein, on order of the chief of the Fire Department there shall be established fire lanes designated as such by posting and marking the limits of such lanes by hatch marks. The fire lanes shall be fourteen (14) feet in width extending outward from the sidewalk curb.

Section 11.2

(a) It shall be unlawful to obstruct any fire lane or park a vehicle therein or leave a vehicle therein unattended except commercial vehicles making deliveries to any stores bounded by said fire lanes.

Section 11.3

(a) Any vehicle parked in violation of Section 11.2 may be removed or towed at the expense of the owner on order of a member of the Police Department without liability to the town or its officers, agents or employees.

Section 11.4

(a) The owner or manager of the shopping mall shall provide and install all sign, posting and markings of fire lanes as designated by the Fire Chief.

Section 11.5

(a) Any person convicted of violating any of the above provisions shall be punished by a fine of five dollars (\$5.00) for the first offense, ten dollars (\$10.00) for the second offense, and twenty five dollars (\$25.00) for each subsequent offense committed during any twelve month period.

XI, 1-5

ARTICLE XII

Penal Laws

Section 12.1

(a) No person shall drive or cause to be driven or drawn any tractor having metal cleats on the highways of Medway without wheel guards.

Section 12.2

(a) No person shall continue to stand or remain in a group or near to each other, on any sidewalk or any public place in such a manner as to obstruct a free passage for foot passengers after having been requested by a constable or police officer to move on.

Section 12.3

(a) No person shall coast on a sled or roller skates upon any of the sidewalks in the town, nor shall any person coast or slide down any of the streets or highways of the town upon any hand sled, board, jumper, or otherwise except at such places and under such restrictions and regulations as the Selectmen shall designate and require.

Section 12.4

(a) No person shall play at any game, or throw balls or stones or sticks or snowballs, within any of the streets or public places of the town, excluding designated recreation areas.

Section 12.5

(a) No person shall deposit within any public streets or way of the town, any stones, ashes cinders, papers, tin cans, offal or rubbish, or any obstruction or waste matter whatsoever.

Section 12.6

(a) No person shall place in any street, roadway, or town way any broken glass, nails, tacks or other substances liable to injure the feet of persons or animals or the tires of bicycles, carriages or automobiles.

Section 12.7

(a) No person, firm or corporation shall post or affix in any manner, paint, print or write, or cause to be painted, printed or written any notice, advertisement, bill, picture, drawing or writing, upon any public post, pole, tree, fence, wall or building.

Section 12.8

(a) No person, firm or corporation shall store or keep junk, refuse or waste material for any purposes, in such manner as to be visible from any public highway of the town.

Section 12.9 Roadway Access

(a) Roadway Access Permit No person except a duly authorized officer of the Town shall, without a permit granted by the Board of Selectmen, or their designee (hereinafter called "the Permitting Authority"), excavate, alter, construct an access to, or obstruct any portion of a public way for any purpose whatsoever. A public way is defined as the entire length and width of the roadway, both paved and unpaved.

(b) Time Limit. Each permit granted shall specify the length of time it shall continue in force. Every person receiving such a permit shall execute

a written agreement to indemnify and same harmless the Town against 0 damages or cost.

(c) Driveway Access. Anyone wishing to construct a driveway on a lot having frontage on a public way, or a way which the Town Clerk certifies is maintained and used as a public way, shall comply with the following minimum requirements:

(1) Alterations/Changes. Any substantial change in use or location of the curb cut shall require modification of the permit or application for a new permit which may contain new restrictions. "Substantial change" shall mean an increase of ten percent (10%) or more in vehicle trips caused by expansion of the project or by a change of use from one use category to another, or by addition of a drive-through facility or a substantial impact on traffic caused by a change in the type, pattern or timing of such traffic.

(2) Commercial/Industrial Use. Driveway locations and number shall be subject to approval by the Permitting Authority.

(3) Residential Use. There shall be no more than one (1) driveway access for residential lots with one hundred fifty (150) feet or less of frontage and no more than one (1) additional driveway access for each one hundred fifty (150) feet of frontage in excess of one hundred fifty (150) feet, unless granted approval by the Permitting Authority for an alternative configuration based upon determination that public safety will be adequately protected and that commonly employed engineering and planning standards have been met in full.

(4) Distance from Hydrant. Within the street right-of-way, the paved edge of the driveway shall be no closer than fifteen (15) feet to a hydrant unless otherwise granted approval by the Permitting Authority based upon determination that public safety will be adequately protected.

(5) Driveway Grade Elevation at Street. The elevation of the finished grade of the driveway at the right-of-way line of the street shall be equal to, or higher than, the elevation of the crown of the existing street pavement directly opposite the opening.

(6) Grades Within Street Layout. In the event the horizontal distance from the edge of the existing street pavement to the right-of-way line of the street is five (5) feet or less, the grade of that area lying between the edge of the existing street pavement and the right-of-way line of the street shall have a minimum, positive grade of three percent (3%) from the edge of the existing street pavement for the horizontal distance required to attain the condition stated in 5 above.

(7) Grades Outside Street Layout. Unless otherwise approved by the Permitting Authority for an alternative configuration based upon determination of no adverse impact to the public way, no driveway outside the street right-of-way shall exceed a positive or negative grade of three percent (3%) for a distance at least fifteen (15) feet, and twelve percent (12%) for a distance of at least twenty-five (25) feet from the street right-of-way. Beyond said total of at least forty (40) feet, the grade of a residential use driveway shall not exceed fifteen percent (15%); commercial/industrial use driveways shall in no case exceed a grade of twelve percent (12%).

(8) Paving Material Within Street. All driveway openings shall be paved with a minimum of three (3) inches of bituminous concrete between the existing street pavement and the right-of-way line of the street. If the area between the existing street pavement and the right-of-way line of the street includes a cement concrete sidewalk, the new driveway apron shall also be cement concrete for at least the width of the sidewalk. The cost of this work shall be borne by the owner of the driveway.

(9) Paving Material Outside Street. Driveways to commercial, industrial and multi-family residential units shall in all cases be paved with bituminous or cement concrete. Paving materials for single and two-family houses, other than bituminous or cement concrete, which have a durable, dustless, all-weather surface suitable for year-round use, may be used as alternatives, if approved by the Permitting Authority.

(d) Utilities Relocation/Installation. Relocation of existing town-owned and maintained utilities, mains and services, or installation of new drainage facilities within any portion of a public way, shall be the responsibility of the applicant. The cost of this work shall be borne by the applicant.

(e) Paving Drainage. All paving shall be designed and constructed in such a manner, that the amount of surface water draining onto any public way or onto any lot in other ownership other than through a drainage easement or stream, shall not create an adverse condition.

(f) Maximum Curb Opening. The maximum width of any curb opening measured at the street line shall be twenty-five (25) feet, not including the driveway returns unless authorized by the Permitting Authority, based on safety and planning consideration.

(g) Sight Distance. The location of all driveways shall have adequate sight distance, in accordance with the American Association of State Highway Transportation Officials (AASHTO) standards.

(h) Violations. Any person who violates any section of this By-Law shall be subject to a fine as follows:

Maximum fine allowed: \$100.00

Enforcement agent: Board of Selectmen/Designee

Fine Schedule: First offense - Warning

Second offense - \$25.00

Third offense - \$50.00

Fourth and each subsequent offense - \$100.00

maximum per day. Each day to constitute a separate violation.

Section 12.10

(a) By reason of any claim for damages on account of the existence of such obstruction or excavation, the Selectmen may impose such conditions, terms and limitations as they shall see fit in respect to erecting barricades, maintaining fines and taking other precautions for the safety of travelers.

Section 12.11

(a) No person shall solicit funds for charitable, veteran or fraternal purposes, or solicit for sale of any products or services in the Town of Medway without first obtaining a permit from the Board of Selectmen and registering his/her license number, organization, business address, true name, home address and date of birth with the Chief of Police. Application of this By-Law will not interfere with or infringe on the exercise of constitutionally protected rights under the First and Fourteenth Amendments to the United States Constitution. Violation of this section will be punishable by fine of not more than \$100.00.

Section 12.12

(a) No person without a permit or license from the Board of Selectmen shall store, keep or allow to remain on his premises more than one unregistered automobile, truck, or the body or chassis of a motor vehicle unless that

same is stored or kept in a garage. Violation of this By-Law shall be subject to a fine of not more than \$50.00.

Section 12.13

No person shall consume an alcoholic beverage as defined by General Laws chapter 138, section 1, or possess an open container of such beverage, or smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol as defined by General Laws chapter 94C, section 1, within the limits of any park, playground, cemetery, school building, school grounds, parking lot, public building or public land owned or under the control of the Town of Medway, or on any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is on or upon any public way or any way to which the public has a right of access as aforesaid, within the Town of Medway; and no person shall consume any alcoholic beverages or consume marijuana or tetrahydrocannabinol as previously defined.

All alcoholic beverages, marijuana or tetrahydrocannabinol being used in violation of this section may be seized and held until final adjudication of the charge against any such person or persons has been made by the court.

Whoever violates the provisions of this section shall be punished by a fine not exceeding one hundred dollars for the first offense, two hundred dollars for the second offense, and three hundred dollars for any third or subsequent offense."

(a) No person shall consume an alcoholic beverage as defined by General Laws chapter 138, section 1, or possess an open container of such beverage, or smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol as defined by General Laws chapter 94C, section 1, within the limits of any park, playground, cemetery, school building, school grounds, parking lot, public building or public land owned or under the control of the Town of Medway, or on any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is on or upon any public way or any way to which the public has a right of access as aforesaid, within the Town of Medway, **except any activity duly licensed by the Board of Selectmen under the applicable provisions of the Massachusetts General Laws at the town owned premises known as the Thayer property, a parcel of land containing 3.29 acres, more or less, situated at 2B Oak Street, the Medway Public Library, the Senior Center, and the 50 Winthrop Street property;** and no person shall consume any alcoholic beverages as previously defined in, on, or upon any private land or place without the consent of the owner or person in control of such private land or place.

All alcoholic beverages, marijuana or tetrahydrocannabinol being used in violation of this section may be seized and held until final adjudication of the charge against any such person or persons has been made by the court.

Whoever violates the provisions of this section shall be punished by a fine not exceeding one hundred dollars for the first offense, two hundred dollars for the second offense, and three hundred dollars for any third or subsequent offense.

Section 12.14

(a) No person owning or operating a gasoline filling station shall allow the pumping of gasoline for retail sale without an attendant employed by the station present to hold the gas nozzle while gasoline is being pumped into the tank of the vehicle except under the following conditions. Self-service gasoline sales shall be permitted upon the condition of the owner or operator of the gasoline filling station shall have:

- (1) obtained the approval of a fire suppression plan for the station from both the Fire Chief of the Town of Medway and the State Fire Marshall;
- (2) shall have filed said approval plans with the Fire Chief,
- (3) shall have installed the improvements on said plan, all to the approval of the Fire Chief, and, during the hours of 6:00 a.m. and 10:00 p.m., or during any such portion of those hours that the station is open, full service/attendant pumping shall be provided in addition to the self-service operation.

Section 12.15

(a) The penalty for the violation of any Penal Law shall be a fine not exceeding \$100.00 for each offense. All forfeitures under any of the By-Laws of the town shall be recovered by complaint and shall inure to the use of the Town of Medway.

Section 12.16

(a) The annual fee for dog licenses, except as otherwise provided by law, shall be \$1.00 to be retained by the Town of Medway for the purpose of administering and enforcing the Dog Control Law, in addition to such sums of money as may be established by State Law.

(b) No licensing fee or part thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Commonwealth, or other disposal of the dog, nor shall any license fee or part thereof, paid by mistake, be paid or recovered back after it has been paid over to the County under Chapter 140, Section 141 of the General Laws.

(c) No person shall own or keep in the town any dog which by biting, excessive barking, howling, or in any manner disturb the quiet of the public.

(d) The Animal Control Officer or Police Chief may restrain or muzzle, or issue an interim order to restrain or muzzle, for a period of not to exceed fourteen (14) days, any dog for any of the following reasons:

- (1) For having bitten or threatened any person.
- (2) If found at large or un-muzzled as the case may be, while the order for the restraint of such dog is in effect.
- (3) If found in school, schoolyard, or other recreational area.
- (4) For having killed or maimed or otherwise damaged any domesticated animal.
- (5) For chasing any vehicle (including bicycles) upon any public way or way open to public travel in town.
- (6) For any violation of Section 12.16(c).

(e) Any owner or keeper of a dog who shall fail to comply with any of the provisions of the laws and By-Laws governing dogs shall be fined as follows:

- (1) Failure to license dogs \$10.00

(2) Dog found in schoolyard or any recreational area \$15.00

(3) Complaints such as, but not limited to, biting, barking, littering or defecating on sidewalks or private property:

First Offense:	\$15.00
Second Offense:	\$25.00
Third and each subsequent offense:	\$50.00

(1) Dog owners purchasing licenses after June 15 annually shall be assessed a fine of \$10.00 for each license issued in addition to the established fee for such license. This amendment to become effective April 1, 1984.

(f) All fines shall be retained by the Town of Medway.

(g) Restraint of dogs.

(1) Any person owning or harboring a dog shall not suffer or allow it to run at large in any of the streets or public ways, or places in the Town of Medway, or upon the premises of anyone other than the owner or keeper, unless the owner or occupant of such premises grants permission.

(2) No person shall permit a dog owned or kept by him or her beyond the confines of the property of the owner or keeper unless the dog is restrained by the owner or keeper thereof on a leash, which shall not exceed ten feet.

(h) Definitions

(1) At large means a dog which is unaccompanied by a person able to properly control its actions or unrestrained by a leash or chain.

(i)

(1) No owner, or person having the care custody or control of any American Stafford-shire, Stafford-shire Pit Bull Terrier, or Bull Terrier shall permit it to be off his or her own premises, unless it is wearing a muzzle.

(2) The work "muzzle" shall mean a device constructed of strong, soft material or a metal muzzle, such as that used commercially with greyhounds. The muzzle. must be made in a manner which will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

(3) Any violation of this sub-paragraph (i) shall be subject to a fine of \$50.00 for each offense.

(j)

(1) No person, corporation, partnership or other business entity shall sell, trade, breed or otherwise transfer ownership or possession of any American Stafford-shire, Stafford-shire Pit Bull Terrier, or Bull Terrier within the limits of the Town of Medway.

(2) Any violation of this sub-paragraph (j) shall be subject to a fine of \$50.00 for each offense.

(k)

(1) No owner, or person having the care, custody or control of any American Stafford-shire, Stafford-shire Pit Bull Terrier, or Bull

Terrier shall permit it to be anywhere in the Town of Medway except in or on property owned by the owner of said dog, and at all times it shall be in a secure area so that it cannot escape therefrom and/or gain access to public areas or private areas not owned by the owner of the said dog.

(2) Any unregistered American Stafford-shire, Stafford-shire Pit Bull Terrier or Bull Terrier found within the Town of Medway shall be forever banned from the Town of Medway and the owner thereof shall be fined the sum of \$50.00.

Section 12.17

(a) No person shall place snow from a plow, shovel, snow blower or by any other means on the traveled portion of a public way.

Section 12.18

(a) The annual fee for any automatic amusement device issued or renewed by the Board of Selectmen shall be no less than twenty dollars (\$20.00) and no more than one hundred dollars (\$100.00). The amount of such fee shall be determined by the Board of Selectmen annually. The amount of such fee shall be the same for each automatic amusement device regardless of type, nature or location.

Section 12.19

(a) All municipal charges, fees and bills shall be due and payable no later than thirty (30) days from the date on which each was mailed. If the whole or any part of any such charge fee or bill remains unpaid for more than thirty (30) days, interest at the rate of fourteen percent per annum computed from the thirty-first (31) day after such mailing, shall be paid on and added to any unpaid amount. There is excluded from the provisions of this section bills for real estate and personal property taxes which shall continue to be governed pursuant to G.L.C. 59, S57 and excise taxes which shall continue to be governed pursuant to G.L.C. 60A, S2.

Section 12.20

(a) No person shall fire or discharge any firearm within the limits of any school, park, playground, or other private property, or hunt or fire or discharge any firearm on private property without written consent of the owner or legal occupant thereof

(b) This By-Law shall not apply to the lawful defense of life or property or any law enforcement officer acting in the discharge of his duties.

(c) Any person violating the provisions of this By-Law shall be subject to a fine as provided for in Section 12.15A of the Penal Laws.

Section 12.21

(a) Every outdoor swimming pool having 24 inches or more in depth or a surface area of 250 square feet or more, whether or not filled with water, shall be completely surrounded at all times by a fence or wall not less than 5 feet above grade. The fence may be the pool wall itself. Every such fence or wall shall be constructed as to not have holes or gaps larger than 4 inches. Stockade types must have horizontal supports on the inside. Gates and doors accessible to the public must be self-closing with provisions for a padlock. Ladders on above-ground pools must either be removable or be able to be locked in the "up" position. All swimming pools require the appropriate permits, and shall not be filled with water until a final inspection has been performed by the Inspector of Building/Local Inspector.

Maximum fine allowed: \$100.00

Enforcement agents: Inspector of Buildings/Local Inspector/Police
Fine Schedule: First offense - Warning
Second offense - \$25.00
Third offense - \$50.00
Fourth and each subsequent offense - \$100.00
maximum per day. Each day to constitute a
separate violation.

Section 12.22

(a) Any person who violates any section of 780 CMR (Massachusetts State Building Code) shall be subject to a fine as follows:

Maximum fine allowed: \$100.00

Enforcement agent: Inspector of Buildings/Local Inspector
Fine Schedule: First offense - Warning
Second offense - \$25.00
Third offense - \$50.00
Fourth and each subsequent offense - \$100.00
maximum per day. Each day to constitute a
separate violation.

Section 12.23

(a) Any person who violates any section of 527 CMR (Massachusetts Electrical Code) shall be subject to a fine as follows:

Maximum fine allowed: \$100.00

Enforcement agent: Wire Inspector; Assoc. Wire Inspector
Fine Schedule: First offense - Warning
Second offense - \$25.00
Third offense - \$50.00
Fourth and each subsequent offense - \$100.00
maximum per day. Each day to constitute a
separate violation.

Section 12.24

(a) Any person who violates any section of 248 CMR (Massachusetts Plumbing/Fuel Gas Code) shall be subject to a fine as follows:

Maximum fine allowed: \$100.00

Enforcement agent: Wire Inspector; Assoc. Wire Inspector; Assoc.
Gas Inspector
Fine Schedule: First offense - Warning
Second offense - \$25.00
Third offense - \$50.00
Fourth and each subsequent offense - \$100.00
maximum per day. Each day to constitute a
separate violation.

Section 12.25 - REGISTRATION AND MAINTENANCE OF ABANDONED AND/OR FORECLOSED AND OR FORECLOSING PROPERTIES.

(a) **Purpose; Enforcement Authority**

(1) It is the purpose and intent of this bylaw to protect and preserve public safety, health, welfare and security, and the quiet enjoyment of occupants, abutters and neighbors, by:

- a. requiring all residential property owners, including lenders, trustees and service companies, to register abandoned and/or foreclosed residential properties with the Town of Medway; and by
- b. regulating the maintenance and security of abandoned and/or foreclosed residential properties to help prevent blighted and unsecured residences.

(2) The Inspector of Buildings/Building Commissioner of the Town of Medway has enforcement authority as to this bylaw.

(b) **Definitions** - When used in this bylaw, the following terms shall have the following meanings, unless a contrary intention clearly appears:

"Abandoned" means a residential property which is not being used or occupied as a residence despite containing a residential building; abandoned does not include a residential building that is unoccupied while undergoing renovations, or while undergoing repairs due to fire or other casualty. "Abandoned" does not apply to accessory buildings or structures on the premises nor does it apply to residential property that is temporarily vacant due to seasonal absences.

"Town" means the Town of Medway

"Commissioner" means the Building Commissioner/Inspector of Buildings of the Town of Medway or his/her designee.

"Days" means consecutive calendar days.

"Foreclosed" means a property, placed as security for a real estate loan, as to which all rights of the mortgagor or his grantee in the property have been terminated as a result of a default of the loan.

"Foreclosing means the process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy a debt if the borrower of the loan

"Initiation of the foreclosure process" means taking any of the following actions:

- a. Taking possession of property pursuant to Massachusetts General Laws chapter 244, section 1
- b. Publishing the first foreclosure notice pursuant to Ma. General Laws chapter 244, section 14
- c. Delivering the mortgagee's notice of intention to foreclosure pursuant to Ma General Laws chapter 244, section 17B;
- d. Commencing a foreclosure action on a property in either the Land Court or the Superior Court.

"Local" means within twenty miles of the property in question.

"Mortgagee" means the creditor, including but not limited to service companies, lenders, in a mortgage agreement, or any successor in interest of the mortgagee's rights, interests or obligations under the mortgage agreement.

"Property" means any real property or portion thereof, located in the Town of Medway, which contains a building, structure or other improvement; excepted from this definition is any and all town owned properties.

"Vacant" means any real property which is not being actively used or occupied and which has not been actively used or occupied within the preceding ninety days. This definition shall not apply to property which is undergoing renovations or repaired due to fire or other casualty. For the purpose of this bylaw, "Vacant" also includes abandoned and/or foreclosed or foreclosing property(ies). Excepted from this definition is residential property that is temporarily vacant due to owner(s) seasonal absences.

(c) **Registration**

1. All owners of abandoned and/or foreclosed residential properties shall register such properties with the Commissioner on forms provided by the Commissioner. If the owner is an out of state corporation, person, or other entity, the owner shall appoint an in-state agent authorized to accept service of process and other documents under this bylaw.

- a. Each registration must state the owner's or agent's name, telephone number and mailing address located within the Commonwealth of Massachusetts including name of owner, street number, street name, city or town, and zip code ; the mailing address shall not be a post office box.
- b. Each registration must also certify that the property has been inspected by the owner and must identify whether the property is abandoned. Each registration must designate a local individual or local property management company responsible for the maintenance and security of this property. This designation must state the individual or company's name, direct telephone number, and local mailing address; the mailing addresses shall not be a post office box.

1. If the owner's inspection determines that the property is abandoned, the registration must be received by the Commissioner within seven days of the owner's inspection.

2. If the owner's inspection determines that the property is not abandoned, but has been foreclosed, the registration must be

received by the Commissioner within seven days of the foreclosure.

3. If the Commissioner's inspection pursuant to paragraph (e) determines that the property is abandoned, the registration must be received by the Commissioner within fourteen days of the Commissioner's citation for improper maintenance.
4. If, regardless of any determination as to abandonment, property has been foreclosed, the registration must be received by the Commissioner within seven days of the foreclosure.

(2) All property registrations pursuant to paragraph (c) are valid for one calendar year from the date when the registration is received by the Commissioner. An annual registration fee of one hundred dollars (\$100.00) must accompany the registration form. Subsequent registrations and fees are due within thirty days after the date of the expiration of the previous registration. Subsequent registrations must certify whether the property remains abandoned and/or remains in foreclosure, as the case may be.

(3) Any owner that has registered a property under paragraph (c) must report any change in information contained in the registration within ten days of the change.

(4) Once the property is no longer abandoned or is sold, the owner shall provide the Commissioner with written notice of legal occupancy or proof of sale, as the case may be.

(d) **Maintenance and Security Requirements**

- (1) Properties subject to this bylaw must be maintained in accordance with the State Building Code. The local owner or local property management company must inspect and maintain the property on at least a monthly basis for as long as the property is abandoned.
- (2) In accordance with state law, including but not limited to Massachusetts General Laws chapter 143 Sections 6-10 and 780 CMR 121.0, property that is abandoned must be safe and must be secured so as not to be accessible to unauthorized persons and exposure to the elements.
- (3) Maintain vacant properties subject to this section, including but not limited to maintaining and keeping in good repair any building(s), structures(s), and improvements, the removal of trash and debris, and the regular mowing of lawns, pruning and/or trimming of trees and shrubbery, and upkeep of other landscape features.
- (4) Repair or replace broken windows or doors within thirty days of breakage. Boarding up any doors or windows is prohibited except as a temporary measure for no longer than thirty days.

(5) The Building Commissioner may order that a property vacant for six months or more shall have utilities shut off, removed, or cut and capped if any such utilities present a hazard or risk of accident.

(6) Compliance with paragraph (d) does not relieve the owner of any applicable obligations set forth in code regulations, covenant conditions and restrictions, and/or homeowner's association rules and regulations.

(e) **Inspections** - Pursuant to the State Building Code, the Commissioner or his/her designee shall have the authority and the duty to inspect properties subject to this bylaw for compliance with this bylaw and to issue citations for any violations. The Commissioner or his/her designee shall have the discretion to determine when and how such inspections are to be made, provided such determination is reasonably calculated to ensure that this bylaw is enforced.

(f) **Penalties** - In addition to any other means of enforcement available to the Commissioner, the Commissioner may enforce this bylaw by means of noncriminal enforcement pursuant to Massachusetts General Laws chapter 40 Section 21D. The following penalties are established for purposes of said noncriminal disposition:

(1) A failure to initially register with the Commissioner pursuant to paragraph (c): three hundred dollars (\$300.00).

(2) A failure to properly designate the name of the local individual or local property management company responsible for the maintenance and the security of the property pursuant to paragraph (d): three hundred dollars (\$300.00) for each violation, and a like penalty for each day's continuation of such violation.

(3) A failure to maintain and/or to secure the property pursuant to paragraph (d): three hundred dollars (\$300.00) for each week during which the property is not maintained and/or not secured in compliance with paragraph (d).

(4) The penalties provided in paragraph (f) shall not be construed to restrict the Town from pursuing other legal remedies available to the Town. Violation of this bylaw shall be subject to a fine not to exceed three hundred dollars for each violation; each day shall be considered a new violation.

(g) **Appeals** - Any persons aggrieved by the requirements of this bylaw or by a decision issued hereunder may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth.

(h) **Applicability** - If any provisions of this bylaw impose greater restrictions or obligations than those imposed by any general law, special law, regulation, rule, ordinance, order or policy, then the provisions of this bylaw shall control.

(i) **Severability** - If any provision of this bylaw is held to be invalid by a court of competent jurisdiction, then such provisions shall be considered separately and apart from this bylaw's remaining provisions, which shall remain in full force and effect.

VII, 1-24

ARTICLE XIII

By-Law Changes and Effectivity

Section 13.1

(a) These By-Laws may be amended or repealed at any town meeting, an article or articles for that purpose having been inserted in the warrant for such meeting.

Section 13.2

(a) These By-Laws shall take effect from and after their approval by the Attorney General and publication required by law, and all By-Laws heretofore adopted by the town shall thereupon be repealed.

XIII, 1-2

ARTICLE XIV

Prevention of Leakage of Underground Fuel or Chemical Storage Tanks and Systems

Section 14.1 Purpose

(a) The purpose of this By-Law is to protect the public health, groundwater and surface water of the town from contamination by liquid fuels, chemicals or hazardous materials from underground fuel or chemical storage tanks and systems.

Section 14.2 Applicability

(a) This By-Law shall apply to all underground fuel or chemical storage tanks and systems of one thousand (1,000) gallons or greater.

(b) Storage systems in service at the time of the approval of this By-Law shall be brought into compliance with the terms of this By-Law within ninety (90) days of its approval.

Section 14.3 Administrative and Enforcement Agent

(a) Nothing contained herein shall act as a limitation on the rights, duties and obligations of any other town entity, including, but not limited to, Board of Selectmen, Fire Department, Building Department, Conservation Commission or other town entities having concurrent jurisdiction or licensing authority.

(b) The provisions of this By-Law shall be administered and enforced by the Board of Health.

Section 14.4 Definitions

(a) For the purpose of this By-Law, the following terms shall have the following meanings

(1) "CMR" shall mean the Code of Massachusetts Regulations.

(2) "Hazardous Material" shall mean material including, but not limited to, any material, in whatever form, which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed.

(3) "Owner" shall mean every person who alone or severally with others:

(a) Has legal title to any property on which is located an underground fuel or chemical storage tank and system subject to this By-Law; or,

(b) Has care, charge, or control of any such property, in any capacity, including without limitation agent executor, administrator, trustee or guardian of the estate of the holder of legal title, or agent, trustee or a person appointed by a court of competent jurisdiction; or

(c) Is a mortgagee in possession of such property. Each such person is bound to comply with the provisions of this By-Law as if he were an owner.

(4) "Person" shall mean every individual, partnership, corporation, firm, association, group or entity owning property or carrying on an activity regulated by this By-Law.

(5) "Underground Tank" shall mean any fuel storage or chemical storage containment system, the top of which is located below the ground.

(b) Where applicable, other terms in this By-Law are as defined in 527 C.M.R. Section 5 and 9 of the Massachusetts Board of Fire Prevention Regulations.

Section 14.5 Tank Regulations

(a) Every owner of an underground fuel or chemical storage tank or system shall file with the Board of Health, the size, type, age and location of each tank and/or system and the type of material stored, on or before ninety (90) days after the approval of this By-Law.

(1) Thereafter, every owner of a tank or system installation shall comply with the provisions of Section 5a hereof on or before January 1st of each succeeding year.

(b) Owners of tanks for which evidence of the installation is not available shall, at the order of the Board of Health, have such tanks or systems tested or uncovered for inspection.

(1) Tanks or systems which fail to meet the test standards set forth in Section 9 below or are not air tight shall be removed forthwith at the owner's expense.

(2) A fee of \$100.00 per permit for the removal of underground storage tank(s) shall be payable to the Town of Medway.

(c) Design and Construction

(1) All new tanks shall be designed and constructed to provide maximum protection against corrosion and leakage. Only the following tank construction systems shall be approved.

(a) UL-listed fiberglass reinforced plastic (FRP) tanks, using materials compatible with the product to be stored therein.

(b) UL-listed steel tanks provided with cathodic protection, a coal-tar epoxy or urethane coating and electrical isolation, and equipped with a test box to measure electrical potential.

(c) Steel tanks with bonded fiberglass coating, compatible inner corrosion-resistant lining and electrical isolation, the integrity of the outer coating to be verified by electrostatic testing and guaranteed by the manufacturer.

(d) Double-walled steel tanks with bonded fiberglass coating, electrical isolation, a vacuum of air pressure in the interstitial space and provision for continuous monitoring of the vacuum or air pressure.

(e) Any other "state of the art" type of tank construction approved by the State Fire Marshal and by the Board of Health.

Section 14.6 Inventory Control

(a) Every underground storage tank or system shall have a method of accurately gauging the volume contained in the tank and a method of accurately metering the quantity of product removed during service. The metering device shall at all times be properly maintained in accurate calibration.

(b) For tanks containing fuel, chemical or hazardous material for resale accurate daily inventories and records thereof shall be maintained based on actual daily measurement and recording of actual sales, use and receipts of tank products and water levels as required by Massachusetts Fire Prevention Regulation 527 C.M.R. 5.05 (3).

(1) Inventory records shall include a daily computation of gain or loss.

(2) Recording of pump meter readings and product delivery shall not constitute adequate inventory records for the purposes of this By-Law.

(c) For all tanks containing fuel, chemical or hazardous materials and for resale a quarterly inventory and reconciliation is required. Such reconciliation shall include records of delivery, volume contained in the tank and flow through the metering device.

(d) The owner and operator shall participate in a program of regularly scheduled inventory verification as follows:

(1) For systems from which less than 25,000 gallons per month of product is used or sold, annually.

(2) For systems from which 25,000-100,000 gallons per month is used-or sold, quart

(3) For systems from which more than 100,000 gallons per month is used or sold, quarterly.

(e) Owners shall submit annually to the Board of Health a certified statement that inventory records have been maintained and reconciled as required in subsections (b), (c), and (d) of Section 14.6 and such records shall be made available to the Board of Health upon it's request. Inventory verification of tanks shall be performed annually by a certified auditor or other independent qualified person approved by the Board of Health.

Section 14.7 Report of Leaks and Spills

(a) Any owner or operator or his agent who is aware of a spill or abnormal loss of product stored shall report such spill or loss immediately to the head of the Fire Department and within two hours to the Board of Health.

(b) All leaking tanks must be emptied within twenty-four (24) hours of leak detection and either repaired or removed within a time specified by the Board of Health and under the direction of the Fire Department.

Section 14.8 New or Replacement Tank Selection and Installation

(a) All tanks installed after the effective date of this By-Law shall be of approved design and protected from internal and external corrosion. All tanks shall be made of the following materials:

(1) All fiberglass construction (equipped with a striker plate), steel with bonded fiberglass or enamel coating and non-corrosive lining, the Steel Tank Institute 3-Way Protection System, any other system which can be shown to provide equivalent protection at the discretion of the Board of Health.

(2) All other underground storage of chemicals, or hazardous materials other than gasoline and fuels, shall be contained in tanks approved by the Board of Health as "best available technology".

(b) All tanks shall be properly installed in accordance with Massachusetts Fire Prevention Regulations in force at the time of installation and according to manufacturers' specifications.

(1) Installation shall be under the direction of the head of the Board of Health or their duly-appointed designee.

(c) All tank installation within four (4) feet of high water table or within one hundred (100) feet of a surface water body shall be of fiberglass construction and located in a water-tight vault. Tanks so located shall be monitored by an approved leak detection system the design and number of devices subject to Board of Health approval.

(d)

(1) The owner or operator shall notify the Fire Department prior to the commencement of any tank installation.

(2) Upon receipt of said notice of installation the head of the Fire Department or the Board of Health may require repair of protective coatings prior to installation or final cover, and additional requirements may be required to satisfy terms of "best available technology".

(e) When it is necessary to replace or interior coat an underground steel tank which has developed a corrosion-induced leak all other steel tanks at the facility of the same age or older shall be interior coated or replaced with tanks that meet the requirements of Section 14.8 (b) M.

(f) Where a cathodic protection system is installed, an ongoing monitoring and maintenance program shall be conducted.

(1) Where sacrificial anodes have been installed, their proper operation shall be confirmed by a qualified person at least once a year.

(g) If a tank is taken out of service temporarily or permanently the Board of Health shall be notified. The final disposition of the tank and product shall be in accordance with Massachusetts Board of Fire Prevention Regulations as set forth in 525 C.M.R. and as approved by the Board of Health.

(h) Any existing tank may be replaced subject to the provisions of Section 14.8.

Section 14.9 Tank Testing and Removal

(a) All steel fuel or chemical storage tanks or systems shall be subject to a Petro-Tite (Kent-Moore) pressure test or any other acceptable pressure test providing safety and effectiveness fifteen (15) years after installation and annually thereafter.

(1) No test shall be conducted by the PSI air pressure test for leak detection. This By-Law recognizes that this test is a method of leak detection, but specifically excludes it as a method because of the possibility that such test can cause an explosion.

(b) All tanks not in conformance with Section 14.8 above and 527 C.M.R. 9.04, installed prior to the effective date of this By-Law shall be removed when twenty (20) years old or upon the failure to meet any testing standards, whichever first occurs.

(1) Any time that a tank is exhumed for removal, it shall be examined for leaks by the Board of Health. If a leak exists, the Board of Health shall immediately cause an investigation to be made of the amount and location of spilled substance, at the expense of the owner. The spilled substance shall be removed immediately by the owner.

Section 14.10 Proximity to Water Supplies and Other Sensitive Areas

(a) No new installation of underground fuel or chemical storage tanks and systems shall be allowed within two thousand (2000) feet of public and private water supply wells.

(b) Where fuel, gasoline or other sensitive areas, the Board of Health may require the installation of an approved leak detection system, the design and number of devices to be subject to the Board of Health approval.

Section 14.11 Costs

(a) The owner shall assume a costs incurred to comply with this By-Law.

Section 14.12 Penalties

(a) Whoever violates any provision of this By-Law shall be subject to a fine of two hundred dollars (\$200.00) for each violation. Each day that such violation continues shall constitute a separate offense.

Section 14.13 Severability

(a) A conflict of one part or provision of this By-Law with any law shall not affect the validity or applicability of any other part or provision of this By-Law.

XIV, 1-13

ARTICLE XV

Town Clerk Fees

Section 15.1

(a) The following fees are hereby established and shall be collected by the Town Clerk in lieu of the fees otherwise provided:

- 1. For furnishing certificate of birth, marriage or death. \$10.00
- 2. For furnishing abstract copy of a record of birth, marriage, or death. \$5.00
- 3. For entering delayed record of birth. \$5.00
- 4. For entering amendment of a record of birth of an illegitimate child subsequently legitimate. \$5.00
- 5. For entering notice of intention of marriage and issuing certificates thereof. \$30.00
- 6. For entering certificate of marriage for persons married out of the Commonwealth. \$3.00
- 7. For correction of errors in a record of birth, marriage, or death. \$5.00
- 8. For examining records or papers relating to birth, marriage or death upon application of any person, the actual expense thereof, but not less than. \$2.00
- 9. For copying any manuscript or record pertaining to a birth, marriage or death. \$3.00
- 10. For filing and indexing assignment for the benefit of creditors. \$5.00
- 11. For filing certificate of a person conducting business under any title other than his real name. \$40.00
- 12. For filing by a person conducting business under any title other than his real name, of statement of change of residence, or of his discontinuance, retirement, or withdrawal from, or of the change of location of such business. \$10.00
- 13. For furnishing certified copy of certificate of person conducting business under any title other than his real name, or a statement of such person of his discontinuance, retirement or withdrawal from such business. \$3.00
- 14. For recording Power of Attorney. \$5.00
- 15. For filing a copy of written instrument or declaration of trust by the trustee of an association or trust, or any amendment thereof, as provided by Section 2, Ch. 182, G.L. \$10.00
- 16. For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth. \$10.00

17	For recording certificate of registration of a person engaged in the practice of optometry, or issuing a certified copy thereof.	\$10.00
18	For recording the name, address, date and number of the, certificate issued to a person registered for the practice podiatry in the Commonwealth.	\$10.00
19	For recording order granting locations of poles, piers, abutments or conduits, alterations, or transfers thereof, and increase in number of wire and cable attachments under the provisions of Section 22 of Ch. 166, Ga.	
	Flat Fee	\$25.00
	Each Additional Street	\$3.50
20	For receiving and filing of a complete inventory of all items to be included in a closing-out sales, etc.	
	Per Page	\$2.00
21	Recording any other documents, 1st Page	\$5.00
22	Voter's registration card	\$2.00

XV, 1

ARTICLE XVI

License or Permit Denial

Section 16.1

(a) The Tax Collector shall annually to each department, board, commission or committee, (hereinafter referred to as the licensing authority) that issues licenses or permits including renewals and transfers, a list of any persons, corporations, or business enterprises, (hereinafter referred to as the party), that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

Section 16.2

(a) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity event or other such matter which is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice.

(b) Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date or issuance of said certificate.

Section 16.3

(a) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations on the license or permit, and the validity of said license or permit shall be conditioned on the satisfactory compliance

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

Section 16.4

(a) The Board of Selectmen may waive any such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, it's officers or stockholders, if any, or members of his immediate family, as defined in Section I of Chapter 268 in the business or activity conducted in or on said property.

Section 16.5

(a) The provisions of this By-Law shall not apply to licenses or permits for:

(1) Open burning,

(2) Bicycle permits,

(3) Sales of articles for charitable purposes,

(4) Work permits for minors,

(1) Licenses for any club, society, association or other organization for the purpose of dispensing of food or beverages on it's premises to it's members or quests,

(6) Dog licenses,

(7) Fishing, hunting, and trapping licenses,

(8) Marriage licenses,

(9) Licenses for theatrical exhibitions, public shows, public amusements and exhibitions or every description for which an admission is charged.

XVI, 1-5

ARTICLE XVII

Historical Properties

XVII, 1-3

Section 17.1 Intent and Purpose

This bylaw is enacted to promote the public welfare and safeguard Medway's historical, cultural and architectural heritage by protecting historical resources that make the town a more interesting, attractive and desirable place in which to live. The bylaw aims to protect "preferably-

preserved historically significant buildings" within the town by encouraging their owners to seek alternatives to their demolition and by providing the town an opportunity to work with owners of such properties in identifying alternatives to

their demolition.

Section 17.2 Definitions

As used in this bylaw, the following words and terms, unless the context requires otherwise, shall have the following meanings

- 2.1 "APPLICANT" - any person or entity who files an application for a demolition permit.
- 2.2 "BUILDING" - any combination of materials forming a shelter for persons, animals or property.
- 2.3 "COMMISSION" - the Medway Historical Commission.
- 2.4 "DEMOLITION" - any act of destroying, eliminating, pulling down, razing or removing a building or substantial portion thereof, or starting the work of any such act with the intention of completing the same.
- 2.5 "PERSON" - any natural person, firm, partnership, association or corporation.
- 2.6 "HISTORICALLY SIGNIFICANT BUILDING" - any building or portion thereof that is over 100 years of age and which is determined by the Commission to be a historically significant building as provided by section 17.3.4 of the bylaw because:
 - (a) It is listed on the National Register of Historic Places or the Massachusetts Register of Historic Places;
 - (b) It is subject of a pending application for listing in the National Register of Historic Places;
 - (c) It is within any historic district
 - (d) It is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town or the Commonwealth; or,
 - (e) It is historically or architecturally important (in terms of period, style method of building construction, or association with a recognized architect or builder) either by itself or in the context of a group of buildings;
- 2.7 "PREFERABLY-PRESERVED HISTORICALLY SIGNIFICANT BUILDING" - any historically significant building which the Commission determines, as provided in section 17.3.6 of this bylaw, is in the public interest to be preserved or rehabilitated rather than to be demolished.

Section 17.3 Procedure

- 3.1 No permit for the demolition of a building which is a historically significant building as defined in section 17.2.6 herein shall be issued other than in conformity with the provisions of this bylaw as well as in conformity with the provisions of other laws applicable to the demolition of buildings and the issuance of permits thereof generally.
- 3.2 Any person who intends to file an application for a permit to demolish a building which
 - (i) Is over 100 years of age, or,
 - (ii) Has been listed or is the subject of a pending application for

listing in the National Register of Historic Places or is listed in the Massachusetts Register of Historic Places,

- (iii) Is within any historic district shall first file a NOTICE OF INTENT TO DEMOLISH A HISTORICALLY SIGNIFICANT BUILDING ("Notice of Intent to Demolish") with the Town Clerk, and in addition, shall complete the review process established in sections 17.3.1 through 17.3.8 herein. The Town Clerk shall forthwith transmit copies of each duly filed Notice of Intent to Demolish to the Commission and the Inspector of Buildings/Building Commissioner for the Town of Medway (also referred to in this bylaw as "Building Inspector").

3.3 The Commission shall prepare and have available for distribution a Notice of Intent to Demolish a Historically Significant Building, which shall contain at least the following information:

- (i) The applicant's name, address and interest in such building,
- (ii) The owner's name and address, if different from that of the applicant,
- (iii) The address or location of such building,
- (iv) Assessors' map and parcel number,
- (v) A brief description of such building including its age, and,
- (iv) An explanation of the proposed use to be made of the site of such building.

3.4 Where an applicant has filed a Notice of Intent to Demolish a building that is over 100 years of age the Commission shall within sixty (60) days of the filing of the Notice of Intent to Demolish, file with the Town Clerk an initial determination in writing as to whether or not the building is a historically significant building in accordance with any criterion set forth in section 17.2.6. A determination that a building is not a historically significant building shall be transmitted by the Commission to the applicant, to the Building Inspector and to the Town Clerk and the applicant shall not be required to take any further steps prior to filing for a demolition permit.

3.5.1 The Commission shall, unless the building is determined not to be historically significant, hold a public hearing on each such Notice of Intent to Demolish within sixty (60) days after the date it is filed with the Town Clerk. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in town hall for a period of not less than seven (7) days prior to the date of said hearing. Notice of the hearing shall also be sent to the applicant by mail at least seven (7) days prior to the date of such hearing.

Within thirty (30) days from the close of the public hearing, the Commission shall file a written determination with the Town Clerk as to whether the demolition of the building will be detrimental to the historical, cultural, or architectural heritage or resources of the Town.

3.6 If the Commission determines that the demolition of the historically

significant building would be detrimental to the historical, cultural, or architectural heritage or resources of the Town, such building shall be considered a preferably preserved historically significant building.

Upon a determination by the Commission that the historically significant building which is the subject of the application for a demolition permit is a preferably-preserved historically significant building, the Commission shall so advise the applicant, the Building Inspector and the Town Clerk and no demolition permit may be issued for at least nine (9) months after the date of such determination by the Commission.

3.7 Notwithstanding the preceding sentence, the Building Inspector may issue a demolition permit for a preferably-preserved historically significant building at any time after receipt of written advice from the Commission to the effect that either

(i) The Commission is satisfied that there is no reasonably likelihood that either the owner or some other person or group is willing to purchase, rehabilitate and restore the subject building, or,

(ii) The Commission is satisfied that for at least nine (9) months the owner had made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful.

3.8 If the Commission determines that the demolition of the historically significant building would not be detrimental to the historical, cultural or architectural heritage or resources of the Town, the Commission shall so notify the applicant, the Building Inspector and the Town Clerk. Upon receipt of such notification, the Building Inspector may, subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations, issue the demolition permit.

Section 17.4 Responsibility of Owners

4.1 During the nine-month waiting period established above, the applicant shall make a good faith effort to find an alternative use for the building that will result in its preservation. Alternatives to demolition include, but are not limited to, incorporation of the building into the future development of the site; adaptive reuse of the building; utilization of financial incentives to rehabilitate the building; seeking a new owner willing to purchase and preserve, restore or rehabilitate the building; or moving or relocating the building.

4.2 the facilitation of the above process of this bylaw by providing information; for allowing access to the property; for securing the premises; for participating in the It shall be the responsibility of the applicant for a demolition permit to assist in investigation of preservation options; and for actively cooperating in seeking alternatives with the Commission and any interested parties.

4.3 Upon determination by the Commission that a building or structure is a preferably preserved historically significant building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail to secure the building to the satisfaction of the Building Inspector, the subsequent destruction of such building through any cause, which destruction could have been prevented by the required security measures, shall be considered

a demolition in violation of this bylaw.

Section 17.5 Emergency Demolition

Nothing in this bylaw shall restrict the Building Inspector from ordering the demolition of a historically significant building determined by the Building Inspector to present a clear and present danger to the safety of the public which only demolition can prevent.

If the Building Inspector determines there is no reasonable alternative to an emergency demolition, the Building Inspector shall prepare a written report describing the basis of that decision. A copy of that report will be filed with the Commission.

Section 17.6 Non-Compliance

- 6.1 Any owner of a historically significant building who violates any provision of this bylaw shall be penalized by a fine of not more than three hundred (\$300.00) dollars.
- 6.2 The Commission and the Building Inspector are each authorized to institute any and all proceedings in law or equity, as they deem necessary to obtain compliance with the requirements of this bylaw or to prevent a violation thereof.
- 6.3 No building permit shall be issued with respect to any premises upon which a historically significant building has been demolished in violation of this bylaw for a period of two years after the date of the completion of such demolition. As used herein, "premises" includes all land within the property lines of said parcel of land upon which the demolished historically significant building was located.

Section 17.7 Severability

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

ARTICLE XVIII

Personnel

Section 18.1 Purpose and Authorization

(a) The purpose of the personnel By-Law is to establish a fair and equitable system of personnel administration based on merit principles that ensures a uniform and efficient application of personnel policies for the Town of Medway. This By-Law is adopted pursuant to the authority granted by Article LXXXIX of the Constitution of the Commonwealth and General Law, Chapter 41, Sections 108A and 108C.

Section 18.2 Application

(a) All town departments and positions shall be subject to the provisions of this By-Law except elected officers and employees of the school department.

Section 18.3 Personnel System

(a) The Human Resource Director shall be responsible for the establishment and maintenance of a personnel system based on merit principles, a classification plan, the development of an annual compensation plan, the adjustment of grievances, and the development of personnel policies pursuant to Section 4 of this By-Law. The personnel system shall make use of modern concepts of personnel management and shall include, but not be limited to, the following elements:

(1) Method of Administration The Human Resource Director shall act as the personnel director(s) for the Town and may designate an individual to oversee the daily administration of the personnel plan. The Human Resource Director shall be responsible for a system of administration which assigns specific responsibility for all elements of the personnel system, including: maintaining personnel records, implementing effective recruitment and selection processes, maintaining classification and compensation plans, monitoring and application of personnel policies and periodic reviews, evaluating the personnel system, and development of a disciplinary policy and grievance procedure.

(2) Classification Plan A position classification plan for all employees subject to this By-Law shall be established, based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to all positions in the same class. No employee may be appointed to a position not included in the classification plan.

(3) A Compensation Plan A compensation plan for all positions subject to this By-Law shall consist of (1) a schedule of pay grades including minimum, maximum and intermediate rates for each grade: and (2) an official list indicating the assignment of each position to specific pay grades.

(4) A Recruitment and Selection Policy A recruitment, employment and promotion policy which ensures that reasonable effort is made to attract qualified persons and that selection criteria are job related.

(5) Disciplinary Policy and Grievance Procedure A disciplinary policy which is reasonable and a method of addressing grievances resulting from improper application of personnel policies or disciplinary procedures.

(6) Personnel Policies A series of personnel policies which establishes the rights and benefits to which personnel employed by the Town are entitled and the obligations of said employees to the Town.

(7) Personnel Records A centralized record-keeping system which maintains essential personnel records.

(8) Other Elements Other elements of a personnel system are deemed appropriate or required by law.

Section 18.4 Adoption and Amendments of Personnel Policies

(a) The Human Resource Director shall promulgate personnel policies defining the rights, benefits and obligations of employees subject to this By-Law. Policies shall be adopted or amended as follows:

(1) Preparation of Policies The Human Resource Director shall prepare policies or amendments to policies. Any person may propose a new policy or an amendment to existing policies to the Human Resource Director. The Human Resource Director need not consider any proposal already considered in the preceding twelve months. Any person proposing

a new or amended policy shall provide the substance and the reason for the proposed policy to the Human Resource Director in writing.

(2) Posting of Policies The Human Resource Director shall post the text of the proposed or amended policy and an explanation of the policy in prominent work location.

(3) Computation of Time In computing time (days) under this By-Law, only business days shall be counted.

Section 18.5 Severability

(a) The provisions of the By-Law and any regulations adopted pursuant to this By-Law are severable. If any By-Law provision or regulation is held invalid, the remaining provisions of the By-Law or regulations shall not be affected thereby. Nothing in this policy shall be construed to conflict with M.G.L. Chapter 31 or any labor contract.

XVIII, 1-6

SECTION XIX

Audit Committee

Section 19.1

(a) There is hereby established in the Town of Medway an independent Audit Committee consisting of five members. Such members shall include: one (1) current member from each of the Board of Selectmen, Finance Committee and School Committee, as designated by the respective chairman thereof, plus, two (2) at-large members appointed by the Town Moderator. Each at-large member shall be deemed duly qualified to serve on the Audit Committee provided that he or she is both: (a) a registered voter in the Town of Medway, and (b) not a current member of the Board of Selectmen, Finance Committee or School Committee. In the event the Town of Medway approves a change in its form of government which authorizes a Town Administrator position, such Town Administrator, by virtue of his or her employment, would be a member of the Audit Committee ex officio

Section 19.2

(a) Audit Committee members appointed by the Town Moderator shall serve for a term of two (2) years, except that one (1) of the initial appointees shall serve for a term of three (3) years, thereby providing that one such member's term will expire on an annual basis. All other members shall serve a term of one (1) year. No member's appointment may be rescinded by his or her appointing authority during the indicated term, except through failure to maintain the stated qualifications for membership. Any vacancy occurring in the Audit Committee shall be filled by the appropriate appointing authority for the balance of the un-expired term.

Section 19.3

(a) The annual cycle for Audit Committee business shall be each year ending June 30. At the first meeting of each new year, the Audit Committee shall conduct an organizational meeting to elect from its members the following officers: a chairman, who shall prepare the committee agenda, conduct each meeting, and service as official liaison for committee communications; a vice-chairman, whom shall fulfill the responsibilities of the chairman in

his or her absence; and a secretary, who shall oversee the minutes of each meeting are prepared, approved by the committee, and made available for public inspection. Votes of the Audit Committee shall require a majority of those present and voting, and with all appointed members being entitled to cast a vote.

Section 19.4

(a) The Audit Committee shall serve as advisor to the Board of Selectmen with respect to the town's financial condition, financial management systems and controls, and annual audit. In addition, the Audit Committee shall make an annual report to the Town on matters within the scope of its jurisdiction. Specific duties shall include, but are not limited to, the following:

- (1) Make recommendations to the Board of Selectmen on the selection of, and scope of services for, an independent auditor.
- (2) Review the annual financial statements and management reports prepared by the independent auditor and make recommendations with respect thereto.
- (3) Make recommendations for areas of operations where expanded scope audits or review of the internal controls may be appropriate.
- (4) Review and make recommendations with respect to the Town's financial management practices and controls.
- (5) Report to the Board of Selectmen and the Town on the status of recommendations the Committee has made during the preceding twelve months.

Section 19.5

(a) The Audit Committee shall be appointed no later than thirty (30) days following receipt of approval of this By-Law from the Office of the Attorney General.

XIX, 1-5

ARTICLE XX

**Noncriminal Disposition of
Violations of By-Laws, Rules and
Regulations**

Section 20.1

(a) There is hereby established in the Town of Medway, pursuant to the provisions of General Laws Chapter 40, section 21D, a system of non-criminal disposition of violations of Town By-Laws and the rules and regulations of its departments, boards, commissions, committees and officials, the violation of which is subject to a specific penalty.

Section 20.2

(a) Any person taking cognizance of a violation of any By-Law, rule or regulation which that person is empowered to enforce may give to the offender written notice to appear before the Clerk of the District Court having jurisdiction thereof at any time during office hours but not later than twenty-one (21) days after the date of such notice. The form, content, timing, manner of delivery, and processing of such notice shall comply with the requirements of said section 21D and General Laws Chapter 90G.

Section 20.3

(a) Any person notified to appear before the Clerk of the District Court as herein before provided, and as provided in said Chapter 90G, may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the clerk together with the notice such specific sum of money not exceeding two hundred dollars as the Town may fix as the penalty for violation of the By-Law rule or regulation. The payment to the clerk shall operate as a final disposition of the case and shall not be deemed to be a criminal proceeding.

Section 20.4

(a) Any person so notified to appear who desires to contest the violation alleged in the notice may, within the said twenty-one (21) days, request a hearing in writing. Any such hearing shall be held pursuant to the terms of said chapter 90G and shall not be deemed to be a criminal proceeding.

Section 20.5

(a) Any person so notified to appear who fails to confess the offense charged and pay the fine within the time specified or fails to pay the sum fixed as a penalty after a hearing and finding as provided in Section 18.4, shall be subject to the application for and the issuance of a criminal complaint for the violation of said By-Law, rule or regulation.

Section 20.6

(a) The persons empowered to enforce the By-Laws, rules and regulations pursuant to this By-Law shall include any police officer, the animal control officer, Board of Health agent, Building Inspector, Highway Superintendent, Water/Sewer Superintendent and such other officials as the Board of Selectmen may from time to time designate.

XX, 1-6

ARTICLE XXI

General Wetlands Protection

Section 21.1 Purpose

(a) The purpose of this By-Law is to protect the wetlands, related water resources and adjoining land areas in the Town of Medway by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following; public or private water supply, groundwater, flood control,

erosion and sedimentation control, fisheries, wildlife habitat, rare species habitat, agriculture, a aqua-culture and recreational values (collectively, the "resource area values protected by this By-Law"). This By-Law is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Massachusetts Wetlands Protection Act (M. G.L. Chapter 13 1, section 40) and its regulations (3 10 CMR 10. 00).

Section 21.2 Jurisdiction

(a) Except as permitted by the Conservation Commission, or as provided in this By-Law, no person shall commence to remove, fill, dredge, build upon, degrade, discharge into, or otherwise alter the following resource areas: any freshwater wetlands, marshes, wet meadows, bogs, swamps, vernal pools, banks, reservoirs, lakes, ponds of any size, rivers, streams, creeks, land under waterbodies, lands subject to flooding or inundation by ground water or surface water, and lands within 100 feet of any of the above resource areas. Said resource areas shall be protected whether or not they border surface waters. To be afforded protection, Isolated Vegetated Wetlands (not. including vernal pools) must encompass minimum surface areas of 5,000 square feet.

(b) Except as permitted by the Commission, no work shall be allowed within 25 feet of wetland resource areas identified in this By-Law (exclusive of the 100 foot buffer zone). This provision shall establish a permanent vegetative buffer between wetland resource areas and developed areas. No removal of vegetation will be permitted within this 25 foot setback except as specifically wavered by the Commission (I.E. Limited Project Wetland Crossings). In cases where the Commission allows the removal of vegetation within the 25 foot setback a comparable area within the 100 foot buffer zone shall be preserved.

Section 21.3 Exceptions

(a) The application and permit (and subsequent fees) required by this By-Law shall not be required for the following projects:

- (1) Maintaining, repairing, or replacing, but not substantially changing or enlarging an existing, lawfully located structure or facility used in the service of the public to provide - electric, gas, water, telephone, telegraph, or other telecommunications services, provided that written notice has been given to the Commission prior to the commencement of work, and provided that the work conforms to the performance standards in regulations lawfully adopted by the Commission.
- (2) Work performed for normal maintenance or improvement of land which is lawfully in agricultural use at the time the work takes place,
- (3) Emergency projects necessary for the protection of the health or safety of the public, provided that the work is to be performed by, or has been ordered by, any agency of the Commonwealth or a political subdivision thereof, provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement, provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency. Within 21 days of commencement of an emergency project, a permit application shall be filed with the Commission for review as provided in this By-Law.

Section 21.4 Application/Permits

(a) Written application shall be filed with the Conservation Commission to perform activities in or on resource areas or areas protected by the By-Law. The permit application shall be identical to that required by the Massachusetts Wetlands Protection Act and its regulations except as described in this By-Law.

(1) All applications where work is proposed within 50 feet of resource areas identified in this By-Law, and requiring a Notice of Intent under the Wetlands Protection Act, shall include but not be limited to:

- (a) Detailed contour layout drawn by a registered engineer or land surveyor, backed up by field staking of
 - (i) The limit of all wetland resource areas including the 100 foot buffer zones,
 - (ii) Conservation restrictions,
 - (iii) U.S. Army Corps of Engineers demarcation lines
 - (iv) House and septic system sites,
 - (v) Property lines
 - (vi) Any restrictions, including rights-of-way, easements (and type), etc. as shown by title search,
 - (vii) Benchmark reference within 1/2 mile,
 - (viii) Limit of 100 year flood according to the most recently available Flood Insurance Rate Map,
 - (ix) Areas of proposed wetland impact, and replication if applicable,
- (b) Payment of appropriate fees as required under this By-Law.

Section 21.5 Fees

(a) Application Fees

The Commission shall establish fees required by this By-Law to accompany applications filed with the Commission. These fees are in addition to those required by the Massachusetts Wetlands Protection Act and are payable to the Town of Medway.

The following actions requested of the Commission shall not require any fee under this By-Law:

- (1) Requests for determination of applicability.
- (2) All applications filed for work within the limits of an existing single family residence, where such application does not include work within 25 feet of wetland resource areas.
- (3) Requests for a Certificate of Compliance
- (4) Requests for an extension of a permit
- (4) Town Projects

(a) The following fees shall be required of all Notices of Intent filed with the Commission unless exempt under this By-Law.

- (1) Filing Fee - Notice of Intent \$50.00
- (2) Buffer Zone Alteration

Area of Alteration (s.f.)	Fee
---------------------------	-----

0.0-1000	\$ 25.00
1001-2000	\$ 50.00
2001-3000	\$ 75.00
3001-4000	\$100.00
4001-5000	\$125.00
5001 or more	\$ 0.03 per s.f

Buffer Zone alterations for the purpose of constructing wetland replication shall be exempt from alteration fees.

(3) Resource Area Alteration

Area of Alteration	Fee
0-100	\$ 25.00
101-200	\$ 50.00
201-300	\$ 75.00
301-400	\$100.00
401-500	\$125.00
501 or more	\$ 0.30 per s.f

[All applications filed for work within the limits of an existing single family residence, where such application does not include work within 25 feet of wetland resource areas, shall be exempt from all fees required under this By-Law.]

Section 21.6 Permits, Determinations, and Conditions

(a) Within 21 days of the close of a Public Hearing, the Commission shall issue or deny a permit for the work requested. If it issues a permit, the Commission shall impose conditions which it deems necessary to protect the interests which are protected by this By-Law, and all work shall be done in accordance with those conditions.

(b) If after consideration of an application, the Commission determines that the area which is subject of the application does not have significant interests protected by this By-Law, the Commission shall inform the applicant within 21 days that a permit is not required.

(c) Permits and determinations shall expire three years from the date of issuance. Any permit may be renewed one time for an additional one year period, provided that a written request for renewal is received by the Commission at least 45 days prior to the expiration of the permit.

(d) For good cause, including unexpected conditions actually encountered at the parcel which is subject of the application, and after Public Notice and Public Hearing, the Commission may review or modify a permit issued under this By-Law.

(e) In appropriate cases, the Commission shall combine the permit, determination, or other action under this By-Law with the Order of Conditions, Determination, or other action issued under the Wetlands Protection Act.

Section 21.7 Enforcement

(a) (a) The Commission shall have the authority to enforce this By-law, and permits issued pursuant to this By-law, by issuing enforcement orders and by commencing civil and criminal court actions as appropriate. Any person who violates any provision of this By-law or permits issued hereunder shall be

punished by a fine of not more than \$300.00 each day, or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the by-law or permit violated shall constitute a separate offense.

(b) The Commission may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Chapter 40, Section 21D. Members of the Commission, duly appointed agents of the Commission, and police officers of the Town may enforce this By-law pursuant to Chapter 40 Section 21D. In the case of non-criminal disposition enforcement, the penalty shall be as follows:

First offense	\$50.00
Second offense	\$100.00
Third offense	\$200.00
Fourth and subsequent offenses	\$300.00

Section 21.8 Burden of Proof

(a) The applicant shall have the burden of proving by a preponderance of the credible evidence, that the work proposed in the application will not harm the interests protected by this By-Law. Failure to provide adequate evidence to the Commission which would support a determination that the proposed work will not harm the interests protected by this By-Law shall be sufficient cause for the Commission either to deny a permit, or to grant a permit with conditions.

Section 21.9 Relation to the Wetlands Protection Act

(a) This By-Law is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, independent of the Wetlands Protection Act, M.G.L. Chapter 13 1, section 40, and the regulations thereunder.

Section 21.10: Regulations

- (a) After public notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purpose of this by-law and the Wetlands Protection Act. Failure by the Commission to promulgate such rules and regulations or a legal declaration of the invalidity of such rules and regulations by a court of law shall not act to suspend or invalidate the effect of this by-law.
- (b) Public notice of any proposed rules and regulations shall be given at least three (3) weeks prior to such public hearing by publication in a newspaper of general circulation in Medway and by posting with the Town Clerk.
- (c) The Commission's Rules and Regulations may define terms contained herein, adopt procedures for the filing of permit applications and specify methods of delineating areas subject to protection under this by-law, provided that such Rules and Regulations are not inconsistent with both this by-law and the Wetlands Protection Act.

Section 21.11 Severability

(a) The invalidity of any section of this by-law shall not invalidate any other section of provision thereof, nor shall it invalidate any order of condition or permit previously issued.

XXI, 1-10

Tobacco/Youth

Section 22

(a) No person under the age of eighteen (18) may purchase or possess a cigarette, chewing tobacco, snuff, cigar, or any tobacco in any forms except in the event of a Board of Health Compliance Check. Any person who violates this by-law may be subject to confiscation of the tobacco product. Parties authorized to enforce this by-law may notify the violator's parent(s) or guardian(s) of the violation. The Board of Health, its members acting individually, its duly appointed agents, and the Police are authorized to enforce this by-law.

XXII, 1

ARTICLE XXIII

Town Administrator

Section 23.1 Appointment, Qualifications, terms of Office

23.1.1 The town administrator appointed by the board of selectmen for a 3 year term, shall be the chief administrative officer of the town and be responsible for the administration of all town affairs placed in his charge by or under the charter. The town administration shall be a person especially fitted by education which shall consist of at least a bachelor's degree from an accredited degree-granting college or university and a minimum of 7 years of professional experience which shall include previous, full-time, compensated service in a managerial capacity in public or business administration.

23.1.2 The town administrator need not be a resident of the town or the commonwealth at the time of appointment. He must establish residence within the commonwealth and within reasonable proximity of the town, as determined by the board of selectmen, within 12 months following his appointment.

23.1.3 The town administrator shall hold no elected office or other appointed town office, shall devote full time to the duties of the office and shall engage in no other business or occupation without written authorization of the board of selectmen.

23.1.4 The town administrator shall not have served in an elected office in the town government for at least 12 months prior to his appointment.

23.1.5 The board of selectmen shall evaluate annually the performance of the town administrator, based on mutually established pre-determined goals, standards and criteria for performance.

23.1.6 The board of selectmen may establish additional duties or qualifications for the office of town administrator. The town administrator shall perform such other duties consistent with the office as may be required by the by-laws, or by vote of the selectmen or town meeting.

Section 23.2 Powers and Duties

23.2.1 The town administrator shall be the administrative officer for the town and shall be responsible to the board of selectmen for the proper operation of town affairs for which the town administrator has been given responsibility under

the charter and by-laws, by vote of the town meeting or by vote of the board of selectmen.

23.2.2 The town administrator shall have all the powers, duties and responsibilities of appointing and removing all technical and operational positions of the town, including all department heads, officers, subordinates and employees of the town, except for employees of the school committee and library trustees, appointments made by the commonwealth and those appointments for which another method of appointment is provided for in the charter. The town administrator shall consider the recommendations of department heads, committees and commissions when making any appointment within their respective areas. Department heads, committees and commissions shall be notified in writing, prior to the town administrator making any appointment within their respective areas, if the appointment is other than the recommendation of said department heads, committees and commissions.

23.2.3 The town administrator shall direct and supervise the administration of all functions under his control and shall be responsible for the efficient and proper operation of all town agencies and departments, with the exception of the school department and public library.

23.2.4 The town administrator shall coordinate the activities of the town with the school department, library and other departments, which may not be under the direct control of the town administrator.

23.2.5 The town administrator shall be the chairman of the town financial review team, and shall establish monthly meetings of the financial review team to ensure timely review of all financial matters affecting the town, including a review of all major variances to the budget. Reports on variances and matters of importance shall be timely provided to the board of selectmen, finance committee and school committee.

23.2.6 The town administrator shall prepare and submit to the board of selectmen, finance committee and capital improvement committee, the annual capital outlay program. The library and school department shall provide the town administrator with their capital outlay programs.

23.2.7 The town administrator shall attend and may participate in all meetings of the board of selectmen, unless excused at his own request, but shall have no vote.

23.2.8 The town administrator shall attend all sessions of the town meetings and answer all questions directed to him by the voters.

23.2.9 The town administrator may attend all meetings of the school committee and shall have a voice in all discussions. The town administrator shall have no vote at school committee meetings, except as authorized under chapter 150E of the General Laws for the purpose of negotiating union contracts.

23.2.10 The town administrator shall see that all provisions of the General Laws, of the charter, of by-laws and of votes of the town meeting and of board of selectmen which require enforcement by him or officers subject to his direction and supervision are faithfully carried out.

23.2.11 The town administrator shall administer all provisions of general and special laws applicable to the town, to the charter, to the by-laws and votes of the town, and all rules and regulations made by the board of selectmen.

23.2.12 The town administrator shall negotiate all contracts involving any subject within the jurisdiction of the office of town administrator, including contracts with all town employees, as provided in the General Laws, excluding contracts with the director of the public library and other professional librarians, who shall be the responsibility of the library trustees.

23.2.13 The town administrator shall have full jurisdiction over the leasing, rental and use of all town facilities, including land and buildings, except land and buildings under the control of the school committee, library trustees, park and recreation commission and conservation commission. He shall be responsible

for the maintenance and repair of all town property, excluding school buildings and the library.

23.2.14 The town administrator, pursuant to chapter 30B of the General Laws shall be the certified chief procurement officer responsible for the purchase of all supplies, materials and equipment, except books and other educational materials for schools, and books, supplies, materials, equipment and other media materials for the library. He shall approve the award of all contracts for all town departments, except the school department and public library, subject to the approval of the board of selectmen.

23.2.15 The town administrator shall keep full and complete records of the financial and administrative activities of the town and shall render a full report to the board of selectmen at the end of each fiscal year and otherwise as the board may require.

23.2.16 The town administrator shall keep a full and complete inventory of all real and personal property of the town.

23.2.17 The town administrator may at any time inquire into the conduct of any officer or employee of any department under his jurisdiction.

Section 23.3 Acting Town Administrator

23.3.1 The town administrator, by letter filed with the board of selectmen and town clerk, shall designate a qualified town administrative officer or employee to exercise the powers and perform the duties of the town administrator during a temporary absence of the administrator. During a temporary absence, the board of selectmen shall not revoke the designation until at least 10 business days have elapsed, whereupon it may appoint another qualified town administrative officer or employee until the town administrator returns.

23.3.2 Any vacancy in the office of the town administrator shall be filled as soon as possible by the board of selectmen. Pending such regular appointment, the board of selectmen shall appoint a qualified administrative officer to perform the duties of the office on an acting basis. Such temporary appointment shall not exceed 3 months, but 1 renewal may be voted by the board of selectmen not to exceed the second 3 months. Compensation for such person shall be set by the board of selectmen.

23.3.3 The powers of temporary or acting town administrator under sections 23.3.1 and 23.3.1 shall be limited to matters which should not be delayed and shall include authority to make temporary, emergency appointments or designations to town office or employment but not to make permanent appointments or designations.

Section 23.4 Removal and Suspension

23.4.1 The board of selectmen may for just cause, by the affirmative vote of 4 of its members, terminate and remove, or suspend, the town administrator from office in accordance with the following procedure:

(a) The board of selectmen shall adopt a preliminary resolution of removal or suspension by affirmative vote of 4 members which shall state the reason or reasons for removal or suspension. This preliminary resolution may suspend the town administrator for a period not to exceed 45 days. A copy of the resolution shall be delivered to the town administrator forthwith.

(b) Within 5 days after receipt of the preliminary resolution the town administrator may request a public hearing by filing a written request for such hearing with the board of selectmen. This hearing shall be held at a meeting of the board of selectmen not later than 30 days after the request is filed nor earlier than 20 days. The town administrator may file a written statement responding to the reasons stated in the resolution of removal or suspension with the board of selectmen provided the same is received at its office more than 48 hours in advance of the public hearing.

(c) The board of selectmen may adopt a final resolution of removal or suspension, which may be made effective immediately, by the affirmative vote of 4 of its members not less than 10 nor more than 21 days following the date of delivery of a copy of the preliminary resolution to the town administrator, if the town administrator has not requested a public hearing; or within 10 days following the close of the public hearing if the town administrator has requested one. Failure to adopt a final resolution of removal or suspension within the time periods as provided in this section shall nullify the preliminary resolution of removal or suspension and the town administrator shall at the expiration of said time resume the duties of the office.

(d) Faced with action by the board of selectmen to terminate, remove or suspend, the town administrator shall be afforded all of the provisions provided municipal employees under section 23B of chapter 39 of the General Laws.

23.4.2 The action of the board of selectmen in suspending or removing the town administrator shall be final, it being the intention of this provision to vest all authority and fix all responsibility for such suspension and removal solely in the board of selectmen.

ARTICLE XXIV

Water Use Restriction

Section 1: Authority

This by-law is adopted by the Town under its police powers to protect public health and welfare and its powers under M.G.L. Chapter 40, ss21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. Chap 41, s69B. This by-law also implements the Town's authority under M.G.L. Chap. 40, s41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

Section 2: Purpose

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

Section 3: Definitions

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

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

Enforcement Authority shall mean the Town Water and Sewer Commission or other Department or Board having responsibility for the operation and maintenance of the water supply, the Health Department, the Town Police, Special Police, and any other locally designated body having police powers.

State of Water Supply Conservation shall mean State of Water Supply Conservation declared by the Town pursuant to Section 4 of this by-law.

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

Section 4: Declaration of a State of Water Supply Conservation

The Town, through its Water and Sewer Commission, may declare a State of Water Conservation upon a determination by a majority vote of the Commission that:

1. Shortage of water exists, and that conservation of water is necessary to insure adequate supply to all consumers under all conditions.
2. The level of water in the tanks falls to 58 feet; the rate of withdrawal of water for the Medway water system exceeds average rate for a period of longer than one week. Public notice of state of water conservation shall be given under section 6 of this by-law before it may be enforced.

Section 5: Restricted Water Uses

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section b 6.

a) Odd/Even Day Outdoor Watering.

Outdoor watering by water users with odd-numbered addresses is restricted to odd-numbered days. Outdoor water by water users with even-numbered addresses is restricted to even-numbered days.

b) Outdoor Watering Ban

Lawn watering, and all other forms of non-essential outdoor water use are prohibited.

c) Outdoor Watering Hours

Outdoor watering is permitted only during periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.

d) Filling Swimming Pools

Filling of Swimming pools is prohibited

e) Automatic Sprinkler Use

The use of automatic sprinklers is prohibited.

Section 5a Irrigation systems

- a. All automatic lawn watering systems, connected to the public water supply must be equipped with a timing device that can be set to make the system conform to the local odd/even outdoor watering restrictions.
- b. All automatic lawn watering systems must be equipped with some type of moisture sensing device that will prevent the system from starting automatically when not needed.
- c. All automatic lawn watering systems must be installed with an approved backflow prevention device. Said device will be inspected initially by the plumbing inspector, and will be permitted and tested periodically thereafter by water department employees.
- d. Any person who now has, or who intends to install an automatic lawn watering system in the future, must notify the Water/Sewer Department of the existence of said system, or of their intention to install a new system prior to the actual installation. All systems, those currently

- in existence as well as any installed in the future, must comply with all rules.
- e. And regulations adopted on the date: existing systems shall be in compliance by June 2003.
 - f. Any system not in conformance with the above criteria may be disconnected from the public water supply system.

Section 6: Public Notification of a State of Water Supply Conservation-, Notification of DEP

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply conservation. Any restriction imposed under Section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

Section 7: Termination of a State of Water Supply Conservation; Notice

A State of Water, supply conservation may be terminated by a majority of the Water and Sewer Commissioners, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply conservation shall be given in the same manner required by Section 6.

Section 8: State of Water Supply Emergency compliance with DEP Orders

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

Section 9: Penalties

Any person violating this By-law shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation. After a fourth violation, the water service shall be shut off until all fines are paid and person is in compliance and \$50.00 restoration fee is paid which shall inure to the town. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of Chapter 40 of the General Laws. Each day of violation shall constitute a separate offense.

Section 10. Severability

The invalidity of any portion or provision of this By-law shall not invalidate any other portion or provision thereof

ARTICLE XXV

Section 25.1

There is hereby established a Community Preservation Committee, consisting of seven (7) voting members pursuant to General Laws, Chapter 44B. The committee shall perform the duties set forth in this by-law and shall be governed by the provisions of this by-law and General Laws, Chapter 44B, Sections 3 to 7, inclusive.

“Section 25.2

The membership of the Community Preservation Committee shall consist of the following:
One member of the Affordable Housing Committee, as designated by the Affordable Housing Committee;
One member of the Open Space Committee, as designated by the Open Space Committee;
One member of the Planning and Economic Development Board, as designated by the Planning and Economic Development Board;
One member of the Historical Commission, as designated by the Historical Commission;
One member of the Conservation Commission, as designated by the Conservation Commission;
One member of the Park and Recreation Commission, as designated by the Park and Recreation Commission;
Three citizens at large, appointed by the Board of Selectmen for staggered terms;
All members to be appointed for a term of three years.”

Section 25.3

The Community Preservation Committee shall study the needs, possibilities, and resources of the Town regarding community preservation, The Committee shall consult with existing municipal; boards. AS part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.

The Community Preservation Committee shall make recommendations to the Town Meeting for acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for the rehabilitation and restoration of such open space, historic resources land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

The Community Preservation Committee may include it its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation by for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

Section 25.4

___The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve it actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

Section 25.5

This by-law may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with General Laws, Chapter 44B.

Section 25.6

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

Article XXVI

Stormwater Management

Section 26.1 Authority

This By-Law is adopted in accordance with the authority granted M.G.L. Chapter 43B Section 13. The Board of Selectmen is delegated hereby the responsibility and authority to enforce and administer this By-Law. The Board of Selectmen may delegate such aspects of By-Law enforcement and administration to the Inspector of Buildings, the Director of the Department of Public Services, and the Medway Planning and Economic Development Board and such of their subordinates as the Board of Selectmen may from time-to-time determine and designate in writing.

Section 26.2 Preamble

In partial fulfillment of the obligations of the Town under the Clean Water Act (33 U.S.C. 1251 & seq.) (the "Act") and under the Town's National Pollutant Discharge Elimination System Stormwater Permit, the Town hereby establishes a comprehensive and fair system of regulation of Discharge to the Town's Municipal Separate Storm Sewer System (sometimes referred to herein as the "MS4").

Section 26.3 Purpose

The purpose and intent of this By-Law is to:

- a. Protect the waters of the U.S. as defined in the Act and implementing Regulations from uncontrolled Discharges of Stormwater or Discharges of Contaminated Water which have a negative impact on the receiving waters by changing the physical, biological and chemical composition of the water resulting in an unhealthy environment for aquatic organisms, wildlife and people, and
- b. Reduce Discharges of Contaminated Water into the MS4 and resultant discharges from the MS4 into waters of the U.S. and improve surface water quality, and
- c. Permit and manage reasonable access to the MS4 to facilitate proper drainage, and
- d. Assure that the Town can continue to fairly and responsibly protect the public health, safety and welfare.

Section 26.4 Definitions

BOARD: The Board of Selectmen and, to the extent delegated and designated, shall include the Inspector of Buildings, the Director of the Department of Public Services, and the Medway Planning and Economic Development Board and their subordinates.

CONTAMINATED WATER: Water that contains higher levels of Pollutants, including without limitation implied, heavy metals, toxics, oil and grease, solvents, nutrients, viruses and bacteria than permitted in waters of the U.S. by the Act and implementing Regulations.

DIRECT CONNECTION: Any discernible, confined and discrete conveyance including but not limited to any pipe, drain, channel, conduit, tunnel, or swale whether above ground or below ground which directs water into the MS4.

DIRECT CONNECTION LICENSE: A license granted by the Town for the continued maintenance by an Owner of a Direct Connection to the MS4.

DISCHARGE: Any non-naturally occurring addition of water or of Stormwater to the MS4.

DUMPING: An act or omission of any person or entity the proximate result of which is the introduction of a Pollutant into the MS4.

EXEMPTED DISCHARGES: Discharges from the following sources unless in any instance such Discharge would result in a substantial and continuing increase in the level of a Pollutant in the waters of the U.S.:

1. water line flushing
2. landscape irrigation
3. diverted stream flows
4. rising ground water
5. pumped ground water
6. discharges from potable water sources
7. foundation drains
8. air conditioning condensation
9. irrigation water
10. springs
11. water from crawl space pumps
12. footing drains
13. lawn watering
14. individual residential car washing
15. flows from riparian habitats and wetlands
16. dechlorinated swimming pool discharges (e.g. where the

Discharge

contains less than 1 ppm of chlorine.)

17. street wash water
18. rain run-off from roofs

EXISTING SOURCE: Any building, structure, facility or installation from which there is a flow of Stormwater or Exempted Discharge the construction of which building, structure, facility or installation occurred prior to the promulgation of this By-Law.

ILLICIT CONNECTION: Any drain or conveyance, whether on the surface or subsurface, which allows an Illicit Discharge to enter the MS4.

ILLICIT DISCHARGE: Any release into the MS4 of Contaminated Water, any Discharge of Stormwater from a Direct Connection for which a Direct Connection License is not in force and effect, any Discharge which is not an Exempted Discharge, or any Discharge from an Indirect Connection not in compliance with this By-Law.

INDIRECT CONNECTION: The natural drainage of Stormwater over or under the surface of the ground (whether instigated by human endeavor or not) via gravity into the MS4.

MUNICIPAL SEPARATE STORM SEWER SYSTEM OR MS4: The Stormwater collection system which is made up of open water courses, swales,

ditches, culverts, canals, streams, catch basins and pipes through which the stormwater flows and the Town Public Ways over which it flows which is owned and operated by the Town for the purpose of collecting or conveying stormwater to a discharge point.

NEW SOURCE: Any building, structure, facility or installation from which there is or may be a Discharge where the construction of said building, structure, facility or installation commenced after adoption of this By-Law.

NPDES PERMIT: The National Pollution Discharge Elimination System Permit issued by the federal Environmental Protection Agency to the Town.

OWNER: The owner of a parcel of land recorded in the Assessor's Office of the Town.

POLLUTANT: Dredged spoil, solid waste, incinerator residue, filter back-wash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, rock, sand, animal or agricultural waste, oil, grease, gasoline or diesel fuel.

PUBLIC WAYS: Any road (including such appurtenances such as berms, curbs, drains, catch basins, sewers, water mains, sidewalks and paved and unpaved shoulders within the paper lay-out) to which the public has access and that the Town is responsible for maintaining.

STORMWATER: Rainfall that exceeds the soil's capacity to readily absorb it and which, instead, runs across the surface of the ground as run-off.

Section 26.5 Prohibitions

- a. No person or entity shall do or suffer to be done any Dumping into the MS4, including without limitation implied, the placing or emptying into any catch basin or other portal to the MS4, of any Pollutant.
- b. No Owner shall cause an Illicit Discharge to be made to the MS4 whether from a Direct or Indirect Connection.
- c. No Direct Connections whether from a New or Existing Source shall be installed after the Effective Date of this By-Law without a Direct Connect License issued by the Board.
 - a. Direct Connection from an Existing Source shall be allowed to continue after the Effective Date provided that:
 1. Owner must disclose the Direct Connection and must within 60 days of the effective date of this By-Law apply for and thereafter be granted a Direct Connection License, and
 2. Owner must Discharge only non-Contaminated Water via the Direct Connection.

b. Direct Connection from a New Source shall be allowed provided that:

1. There are no other means to direct the Discharge elsewhere on the property without affecting abutting properties, sidewalks and the roadway.
2. Owner must Discharge only non-Contaminated Water via the Direct Connection.
3. Owner apply for and thereafter be granted a Direct Connection License by the Board.
4. A piped connection of a private drain to the MS4 must be done in accordance rules established by the Board with the following minimum requirements:

- A backflow preventor or check valve must be installed outside of, but as near as possible to, the roadway layout with adequate access for maintenance;
- The drain must be installed from its point of origin to the nearest drain manhole or catch basin; and
- The installation must be inspected and approved by the Town prior to backfill.

d. Indirect Connections from Existing Sources shall be allowed provided that:

- i. only Stormwater which is not Contaminated Water is Discharged or a Discharge constituting an Exempted Discharge occurs, and
- ii. the Discharge does not cause safety problems due to icing or flooding of the Public Ways or cause damage to the Town's property.

e. Indirect Connections from New Sources shall be allowed provided that:

- i. sub-surface infiltration trenches are used which comply with criteria established in the Town's Sub-Division Rules and Regulations, and
- ii. only Stormwater which is not Contaminated Water is discharged or a Discharge constituting an Exempted Discharge occurs.

Section 26.6 Penalties

Any person violating this By-law shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation which shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of Chapter 40 of the General Laws. Each day of violation shall constitute a separate offense.

It was so VOTED by Unanimous vote

"Article 27 Regulation of Door to Door Soliciting and Canvassing

27.1. Purpose

This by-law adopted pursuant to chapter 43B, section 13, of the General Laws and Article 89 of the Amendments to the Constitution of

the Commonwealth of Massachusetts, establishes registration requirements and specific operational requirements for persons intending to engage in door-to-door canvassing or soliciting in the Town of Medway in order to protect its citizens from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and, to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

27.2. Definitions

For the purpose of this By-Law, the following definitions shall apply:

27.2.1. "Soliciting" shall mean and include any one or more of the following door-to-door activities:

- a) selling, or seeking to obtain orders for the purchase of goods or services, including advertising in any type of publication, for any kind of consideration whatsoever;
- b) selling, or seeking to obtain prospective customers for application for purchase of insurance of any kind;
- c) selling, or seeking to sell subscriptions to books, magazines, periodicals, newspapers or any other type of publication;
- d) seeking to obtain gifts or contributions of money, or any valuable thing for the support or benefit of any association, organization, corporation or project wholly or in part for commercial purposes or by a professional solicitor or commercial co-venture for a charitable or other non-commercial organization; and
- e) seeking to obtain information on the background, occupation, economic status, political affiliation, attitudes, viewpoints, or the like of the occupants of a residence for the purpose of selling or using such data, wholly, or in part, for commercial purposes.

27.2.2. "Canvassing" shall mean and include any one or more of the following door-to door activities:

- a) person-to-person distribution of literature, periodicals, or other printed materials for commercial purposes, but shall not include placing or dropping off printed materials on the premises;
- b) seeking to enlist membership in any organization for commercial purposes: and
- c) seeking to present, in person, organizational information for commercial purposes.

27.2.3. "Residence" shall mean and include every individual dwelling unit occupied for residential purposes by one or more persons.

27.2.4. "Registered Solicitor" shall mean any person who has obtained a valid certificate of registration for the Town of Medway as required by this By-Law.

27.2.5. "Charitable Organizations", "Charitable" and "Commercial co-venturer" shall be defined:

"Charitable", including but not limited to benevolent, educational, philanthropic, humane, patriotic, scientific, literary, religious, health, safety or welfare-related, or in furtherance of governmental or civic objectives, and benefiting the general public or some indefinite class thereof;

"Charitable organization", any person whose purposes or actual operation are charitable in nature or one holding himself out to be a charitable organization in whole or in part, including any person who in any manner employs a charitable appeal as the basis of any solicitation or an appeal which could be reasonably interpreted to suggest that there is a charitable purpose to any such solicitation;

"Commercial co-venturer", any person who for profit or other commercial consideration, conducts, produces, promotes, underwrites, arranges or sponsors a performance, event, or sale to the public of a good or service which is advertised in conjunction with the name of any charitable organization or as benefiting to any extent any charitable purpose. Any such person who will benefit in good will only shall not be deemed a commercial co-venturer if the collection and distribution of the proceeds of the performance, event or sale are supervised and controlled by the benefiting charitable organization;

27.3. Registration

Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of Medway must apply for a permit with the Chief of Police by filing a registration application form with the Medway Police Department. Application for both individual and organizational registrations shall be filed at least seven business days in advance.

27.3.1. Organization application forms shall include the following information:

- a) The name and address of the organization applying for registration, and the names and addresses of the organizations' principal officers. If the organization is a charitable organization, a certification that the most recent Annual Registration Statement required to be filed with the Attorney General's Division of Public Charities has been so filed. If the organization is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract

with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon:

- b) The name, title and telephone number, IRS or Social Security (optional) number and valid drivers license or other government-issued photo identification of the person(s) filing the application form:
- c) The names, addresses and telephone numbers of the person(s), if any, who will be directly supervising the solicitation or canvassing operation in the Town of Medway:
- d) A list of the names, addresses, date of birth of all individuals who will be employed in solicitation or canvassing, in the Town of Medway, by the applicant:
- e) Period of time for which certificate of registration is needed; provided, however, that no certificate may be granted for longer than a 90-day period:
- f) Names of the last three communities, if any, in which the organization has conducted a solicitation or canvassing operation, complete with the date of the issuance and date of the expiration of any permits or licenses issued by those communities to the organization.
- g) Insurance information and license, if applicable.

27.3.2. Individual registration forms shall be required for all individuals, including those who are affiliated with an organization registered under Chapter 27.3.1 hereof. Individual registration forms shall contain the following information:

- a) Name and address of the present place of residence and length of residence at that address; if less than three years residence at present address, the address of residence(s) during the past three years:
- b) Date of birth:
- c) Name, address and telephone number of the person or organizations whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization. If the individual is a professional solicitor or a commercial co-venturer for a charitable organization, a copy of the contract, if any, with the charitable organization must be provided with this application. Failure to include a copy of the contract with the charitable organization under such circumstances will render the application incomplete and no action will be taken thereon:

- d) Period of time for which certificate of registration is needed; provided, however, that no certificate may be granted for longer than a 90-day period;
- e) Names of the last three communities, if any, in which the applicant has solicited or canvassed door-to-door, complete with the date of issuance and date of the expiration of any permits or licenses issued by those communities to the applicant.
- f) Valid drivers license or other government issued photo identification; and
- g) Make, model and registration number of any vehicle to be used by the applicant while soliciting or canvassing.

27.4. Registration Fee

There shall be a \$20.00 application fee for an individual registration card or re-registration. There is no application fee for organizational applicants that apply for registration or re-registration.

27.5. Registration Cards

27.5.1. The Police Chief or his designee, after a review of the application, which will include an investigation of the applicants pursuant to Section 27.5.4, but in no event more than seven business days after receipt of a fully-completed application, shall furnish each person with a registration card which shall contain the following information:

- a) The name of the person;
- b) A recent photograph of the person;
- c) The name of the organization, if any, which the person represents;
- d) A statement that the individual has been registered with the Town of Medway Police Department but that registration is not an endorsement of any individual or organization; and
- e) Specific dates or period of time covered by the registration.

27.5.2. Persons engaged in solicitation or canvassing as defined in this By-Law must carry the registration card while soliciting or canvassing and present the card to any person solicited or upon request of any police officer.

27.5.3. Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days.

27.5.4. The Police Chief shall routinely grant registrations without further inquiry but shall refuse registration to an organization or

an individual where registration has been revoked for violation of this By-Law within the previous two-year period or who has been convicted of murder, manslaughter, rape or any other sex crime, kidnapping, robbery, arson, burglary, breaking and entering, felony assault, illegal possession of a firearm or dangerous weapon, distribution of any illegal narcotic drugs, felony larceny, three or more misdemeanor assaults or three or more misdemeanor larcenies, as such persons pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The police chief shall also refuse to register a person who is a sex offender required to register with the Massachusetts Sex Offender Registry Board, or any other similar government entity, and who is a classified or considered to be a moderate to high risk or re-offending. Such individuals pose a substantial degree of dangerousness to minors or to other persons vulnerable to becoming victims of sex crimes. For the purposed of this By-Law, a "Continued without a finding" or similar disposition will be considered the same as a conviction.

27.6. Exceptions

27.6.1. Registration shall not be required for officers or employees of the Town, County, State or Federal governments when on official business.

27.6.2. Individual registration shall not be required for minors under the age of 17.

27.6.3. Nothing in this By-Law shall be construed to impose any registration requirement or otherwise restrict or in any way regulate any activity for religious, political, newspaper distribution or public policy purposes or other non-commercial purposes, including, charitable, benevolent or fraternal activities, regardless of whether such activity includes acts that would otherwise constitute soliciting or canvassing.

27.7. Duties of Persons Going Door-to-Door

27.7.1. Upon going into any residential premises in the Town of Medway, every solicitor, canvasser or other person must first examine any notice that may be posted, prohibiting solicitation or other activities. If such a notice is posted, the solicitor, canvasser or other person shall immediately and peacefully depart from the premises.

27.7.2. Any solicitor, canvasser or other person who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

27.7.3. Immediately upon gaining entrance to any residence, each solicitor or canvasser as defined in this By-Law must do the following:

- a) Present his registration card for inspection by the occupant:
- b) Request that the occupant read the registration card; and
- c) Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization.

27.8. Restriction on Methods of Solicitation, Canvassing, or Other Door-to Door activities.

It shall be unlawful for a solicitor, canvasser or other person to do any of the following:

- a) Falsely represent, directly or by implication, that the solicitation, canvassing or other activity is being done on behalf of a governmental organization, or on behalf of any municipal employee or elected official;
- b) Solicit, canvass or conduct any other activity at the residence without express prior permission of an occupant, before 9:00 a.m. or after 8:00 p.m., where there is no sign posted otherwise limiting solicitation or the hours of solicitation or such other activities;
- c) Continue to solicit, canvass or conduct activities after being advised by police of the registration requirements or after a registration certificate has been revoked or denied;
- d) Utilize any form of endorsement from any department head currently employed or serving the Town of Medway; and
- e) Solicit, canvass or conduct any other activity at any residence in an illegal fashion.

27.9. Penalty

27.9.1. Any person or organization who violates Section 7.2, with an accompanying signed statement of the offended party, or Section 8 of this By-Law, or any other applicable state or federal laws and punished by a fine of three hundred dollars for each and every offense, which may be recovered upon complaint before the district court and shall enure to the town, all in accord with chapter 40, section 21 of the General Laws. Any person or organization who violates any other provision of this By-law shall be punished by a fine of one hundred dollars for each and every offense, which may be recovered upon complaint to the district court and shall enure to the town, all in accord with chapter 40, section 21 of the General Laws.

27.9.2. Any person or organization who for himself, itself, or through its agents, servants or employees is found after investigation by a police officer to have:

- a) violated any provision of this By-Law, governing soliciting or canvassing; or
- b) knowingly provided false information on the registration application,

shall have his, her or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

27.10. Appeals

Any person or organization who is denied registration or whose registration has been revoked may appeal by filing a written notice of appeal with the Town of Medway Town Administrator. Such appeal must be filed within five days after the receipt of the notice of denial or revocation. The Town Administrator shall hear the appeal within ten days after the filing of the written notice of appeal, provided, however, that if the Town Administrator fails to make a determination within thirty days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

27.11. Severability

Invalidity of any individual provision of this By-Law shall not affect the validity of the By-Law as a whole."

or take any other action relative thereto.

Article 28 Stretch Energy Code

The Stretch Energy Code, as codified by the Board of Building Regulations and Standards as an appendix to the State Building Code as 780 CMR Appendix 115AA, including any amendments or modifications thereto, and accepted by vote of Town Meeting, is herein incorporated by reference.

The Stretch Energy Codes is enforceable by the Building Commissioner and is to become concurrent with the State Building Codes July 1, 2011 and effective on January 1, 2012

END OF BY-LAWS

Body of laws adopted at the Special Town Meeting of June 4, 1975, and approved by Attorney General

END OF BY-LAWS

|
Body of laws adopted at the Special Town Meeting of June 4, 1975, and approved by
Attorney General Francis X. Bellotti, September 2, 1975.

A true copy attest:

Maryjane White
Town Clerk of Medway
Updated 6/13/2011