



BYLAWS

OF

TOWN OF ATHOL, MASSACHUSETTS

*Established March 1, 1951
Revised November 15, 2000*

As amended to October 15, 2001
As amended to May 5, 2003
As amended to May 4, 2004
As amended to October 18, 2004
As amended to May 2, 2005
As amended to October 17, 2005
As amended to October 16, 2006
As amended to April 30, 2007
As amended to October 15, 2008
As amended to May 4, 2009
As amended to October 19, 2009
As amended to April 12, 2010
As amended to October 18, 2010
As amended to June 13, 2011
As amended to June 11, 2012
As amended to October 21, 2013

As amended to June 9, 2014
As amended to October 20, 2014
As amended to October 19, 2015
As amended to June 12, 2017
As amended to October 15, 2018
As amended to June 10, 2019
As amended to October 17, 2022

(Chapter IX, Personnel Bylaws are not included herein)

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Chapter I: GENERAL PROVISIONS

Section 1. So far as the provisions of these bylaws are the same in effect as those previously in force, they shall be construed to be a continuation of such bylaws, but subject to said limitations and the provisions of the next section, all bylaws of the Town heretofore in force are hereby repealed.

Section 2. These bylaws and the repeal of bylaws heretofore in force shall not affect any act done, any right accrued, any penalty or liability incurred, or any suit, prosecution, or proceeding heretofore taken or that shall be pending at the time they take effect.

Section 3. Whoever shall offend against, or fail to comply with any of the provisions of these bylaws shall, unless some other penalty is provided by law or by a bylaw of the Town, for each and every offense forfeit and pay a penalty of not more than twenty dollars.

Chapter II: TOWN MEETINGS

Section 1. The annual election of town officers shall be held on the first Monday in April and the spring annual town meeting for appropriations and other business on the second Monday in June to consider and adopt an annual operating and capital budget and to act on financial and other matters. The meeting shall be continued on other days, until all articles in the warrant shall have been acted upon. *(Amended at the May 4, 2009 Special Town Meeting. Approved by the Attorney General on July 13, 2009.)*

The fall town meeting shall be held on the third Monday in October to consider and act upon matters of planning, zoning, subdivision control, building codes, and the adoption, amendment, or repeal of bylaws as well as to consider and act upon such other business, including matters involving an appropriation of Town funds, as may properly come before the meeting. The meeting shall be continued on other days until all articles in the warrant shall have been acted upon.

Section 2. Whenever a town meeting is adjourned to a time certain, the Town Clerk shall cause notice of the time and place of holding such adjournment to be published as provided in Section 2, if it be practicable to do so. Said notice shall also state briefly the business to be acted upon at such meeting.

Section 3. No action shall be taken on a committee report other than to accept as a report in progress or for the purpose of discharging the committee, or to recommit or refer, unless the subject matter of the proposed action is contained in the warrant.

Section 4-A. A motion to reconsider any action taken by the town meeting shall be entertained at any time prior to the final dissolution of the meeting and when no other motion is before the meeting, and when such a motion has been decided by a two-thirds vote of the town meeting members present and voting, that decision shall not be reconsidered. No question shall be twice reconsidered, and debate on any motion to reconsider shall be limited to ten minutes.

Chapter II: TOWN MEETINGS

Section 4-B. No motion to reconsider the vote on any of the following questions shall be in order:

To adjourn

To lay on the table

To take from the table

For the previous question

(Adopted by amendment, effective May 15, 1963)

Section 5. A motion to put the previous question may be entertained at any time during debate on any article in the warrant and shall be a debatable motion for a period of five minutes. If decided in the affirmative by a two-thirds vote of town meeting members present and voting, debate on the original motion and on all subsidiary and incidental motions pertaining thereto shall be terminated, provided, however, that the proponents and opponents of the original motion shall be allowed five minutes in which to speak, at expiration of which time the original motion and the subsidiary and incidental motions pertaining thereto shall be put in regular order. *(Adopted by amendment, effective May 15, 1963)*

Section 6. If a two-thirds vote of town meeting is required by statute, a count need not be taken provided that the vote is unanimous, and the town clerk shall record the vote as unanimous. *(Adopted at the October 15, 2001 Fall Town Meeting. Approved by the Attorney General on January 10, 2002.)*

Chapter III: TOWN OFFICERS, DEPARTMENTS AND COMMITTEES

FINANCE AND WARRANT ADVISORY COMMITTEE

Section 1. A Finance and Warrant Advisory Committee of seven members shall be appointed by the Moderator for three year overlapping terms. Appointments shall be made annually within ten days after the adjournment of the spring session of the Town Meeting. The Town Accountant shall also be a member, ex officio, of this Committee, taking part in its deliberations but without a vote in deciding the Committee's recommendations to the town. Except as herein provided, no person shall be eligible to membership who shall have the care, custody or expenditure of town funds, or the care, custody or disposal of town property, either as a town officer or member of any other committee; nor shall a regular employee of any department of the town be eligible to such membership.

Any vacancies occurring within the Finance and Warrant Advisory Committee membership, prior to the expiration of terms, shall be filled by the Moderator. The Warrant and Advisory Committee shall notify the Moderator of such vacancies as they occur.

The Finance and Warrant Advisory Committee shall also have the power to remove by two-thirds vote of its membership a member of the Committee for consistent failure to attend scheduled meetings of said Committee.

Section 2. It shall be the duty of this Committee to investigate the financial affairs of the town, including the receipts and expenditures of the different departments of the town, the methods in which the town business is conducted, the general conduct of town affairs and all the articles in warrants for town meetings referred to it. In the discharge of its duty, it shall have free access to all the books of account, books of record, and all accounts, bills and vouchers on which money has been or may be paid from the town treasury. All articles that shall be inserted in warrants for

Chapter III: TOWN OFFICERS, DEPARTMENTS AND COMMITTEES

any town meetings, annual or special, excepting articles calling for the choice of officers, are hereby referred to the Finance and Warrant Advisory Committee. The Committee shall hold at least one public meeting to consider the articles contained in any such warrant. The Selectmen, whenever they issue a warrant for a town meeting, excepting a meeting for elections only, shall appoint a time and place for a public meeting of the Finance and Warrant Advisory Committee to consider the articles in such warrant, and in such warrant, give notice of the time and place of such meeting.

The Committee shall report its recommendations on the articles in any town meeting warrant referred to it immediately after the organizing of the meeting under the article calling for reports of Committees, or under each article as it is taken up. This Committee shall also report to the town in detail the appropriations it recommends the town to make to defray town charges for each year, together with such other matters as in its judgment should be brought to the attention of the town. The several town officers shall furnish this Committee their estimates of the expenses of their departments for the ensuing year, as required by statute.

SELECTMEN

Section 3. Except as otherwise provided by law or by vote of the town, the Board of Selectmen shall have the full and exclusive authority as agents of the town to institute, prosecute, defend, compromise and settle all claims, suits and actions brought by or against the town, provided, however, that no claim or action against the town, unless reduced to the form of an execution or decree of court, shall be compromised or settled by the payment of any amount in excess of seven hundred and fifty dollars, without a special vote of the town.

Section 4. Whenever it shall be necessary to execute any deed conveying land or other instrument required to carry into effect any vote of the town, the same shall be executed by the Selectmen in behalf of the town, unless the town shall otherwise vote in any particular case.

TOWN CLERK

Section 5. The Town Clerk shall have stated hours for the transaction of business and shall give public notice thereof.

Section 6. He shall furnish all boards, committees and officers with a copy of all votes affecting them, within eleven days of date of said votes. He shall, as soon as practicable, after any election has been held by the town, in addition to the notices he is now directed to give to officers who are required to take an oath of office, also issue a written or printed notice to all persons who have been elected to any other office, or chosen to serve on any other committee, stating the office to which such person has been elected, or the duties which such committee was chosen to perform.

Section 7. The Town Clerk shall see that every conveyance to the town of any interest in land, except as otherwise provided by law, is duly recorded in the proper registry therefore, and he shall have the custody of all such recorded instruments after the same are returned from the registry. He shall keep a true copy, filed and indexed, of all deeds or conveyances executed in behalf of the town.

Chapter III: TOWN OFFICERS, DEPARTMENTS AND COMMITTEES

TOWN COUNSEL

Section 8. The Town Manager, with approval of a majority of the full Board of Selectmen, shall, within thirty days of the annual town meeting, appoint some member of the Massachusetts bar as Town Counsel, to serve for a term of one year. It shall be his duty to give legal advice to the various town officials during the year as they may need it in the connection with their duties. No charge shall be made for such consultation with town officials and the salary of the Town Counsel shall be fixed by the Town Manager. (*Amended at the October 17, 2005 Fall Town Meeting. Approved by Attorney General on February 28, 2006.*)

POLICE DEPARTMENT

Section 9. The Town Manager shall appoint a Chief of Police, who shall be some person other than himself and who shall hold office for a period of three (3) years.

Section 10. It shall be the duty of the members of the Police force to immediately make a careful examination of every case of accident, or injury to property, coming within their notice, in which the town might be liable, secure the names of all witnesses thereto, and make report thereof to the Chief of Police, who shall report forthwith to the Town Manager.

IN GENERAL

Section 11. Whenever a regulation, rule or order of general application, or an amendment to such a regulation, rule or order is passed by a town board or officer, a copy thereof, duly certified, shall be filed in the Town Clerk's office where it shall be available for public reference.

COLLECTION OF ACCOUNTS

Section 12. The Collector of Taxes shall collect, under the title of "Town Collector", all accounts due the Town. This shall not apply to collection of interest on investments of sinking or trust funds. (Adopted by amendment, effective May 14, 1956)

12 (a) Payment Agreements for Properties in Tax Title

- A. Pursuant to the provisions of M.G.L. c. 60, sec. 62A, the Treasurer/Collector will pursue and establish a written payment agreement with any person(s) entitled to redeem ownership of parcels taken by the Town for nonpayment of real estate taxes ("redeemer").
- B. Tax title categories eligible for payment agreements include all categories of real property subject to all other terms and conditions in this bylaw.
- C. Eligibility Criteria:
 - 1. The Town has not filed an action in Land Court to foreclose the rights of redemption;

Chapter III: TOWN OFFICERS, DEPARTMENTS AND COMMITTEES

2. All real estate taxes due for the current fiscal year assessed against the parcel, as well as any other fees and charges owed to the Town , are paid to date; and
 3. The Redeemer, at the time of execution of said Agreement, pays to the Town a minimum of 25% or the total amount required to redeem the parcel, including all principal, interest, fees, costs, and other charges, in the form of certified funds or cash.
- D. The agreement's maximum term shall be 60 months. At the request of the Redeemer, the Treasurer is authorized to agree to a shorter term. All payments shall be made quarterly based on the Town's fiscal year and in the amounts and at the time provided in a payment schedule prepared by the Treasurer that is and shall be a part of said payment Agreement.
- E. The Redeemer shall be in breach of the payment Agreement by failing to make any payment(s) under the Agreement as provided in the schedule, or if a check for any payment is returned, or by failing to stay current on taxes and/or other charges that are a lien on the same parcel(s). In the event of such breach, the full amount of the overdue tax, including all interest, charges and fees, will immediately become due and the Treasurer may bring an action to foreclose the tax title on such parcel(s). The Treasurer is under no obligation to accept late payments. In the event that the Redeemer breaches a payment Agreement and the Treasurer has not foreclosed on the tax title, a subsequent payment Agreement shall not be made available for the same parcel(s). During the term of the Agreement, the Treasurer may not bring an action to foreclose on the tax title of the Redeemer unless there is a breach of the Agreement.
- F. The redeemer shall be entitled to a credit equal to fifty (50%) percent of the accrued interest on the balance owed on the tax title account after the 25% payment required to redeem the parcel as provided for in this bylaws. Interest shall continue to accrue, pursuant to the rate established by state law for tax title accounts, during the term of the payment Agreement but shall be subject to the fifty (50%) percent credit provided for herein. The Treasurer shall calculate the credit at the time of the execution of the Agreement and the credit shall be reflected in the payment schedule so as to be deducted from the last payment(s).
- G. The Agreement shall not be assignable by the Redeemer. The Agreement does not change or alter in any way the priority of the Town's lien on the parcel(s). In the event of any sale or other transfer of any kind of the parcel(s) subject to an Agreement or any interest therein, in whole or part, all amounts owed to the Town, including the full amount of interest, fees and costs, shall become immediately due and payable before any such transaction may take place.

Chapter III: TOWN OFFICERS, DEPARTMENTS AND COMMITTEES

- H. The Treasurer and the Redeemer shall execute an Agreement that sets forth terms and conditions for payment that are consistent with this bylaw. No extensions or amendments to the Agreement or to the terms and conditions as set forth in this bylaw shall be allowed, except that the Treasurer is authorized to agree to accept accelerated payments. In the event of any discrepancy between the Agreement and the bylaw, the bylaw shall control.

(Adopted at the October 5, 2018 Fall Town Meeting. Approved by the Attorney General on January 17, 2019)

INSPECTOR OF GAS PIPING AND APPLIANCES

Section 13. The Building Inspector shall annually, within thirty (30) days of the annual town meeting, appoint an Inspector of Gas Piping and Gas Appliances in buildings according to Massachusetts General Law Chapter 142 Section 15, whose duties shall be the enforcement of the rules and regulations established under Section 12H of Chapter 25 of the General Laws of the Commonwealth of Massachusetts. (Adopted by amendment, effective April 4, 1961)

Section 14. Firefighter Residency Requirement. In the interest of public safety, all uniformed Firefighters and or Emergency Medical Technicians of the Town of Athol Fire Department must be residents of the Town of Athol or maintain primary residence within a five mile radius of the intersection of Main and Exchange Streets in Athol. *(Amended at the May 2, 2005 Annual Town Meeting. Approved by the Attorney General on May 27, 2005.)*

Section 15. Reserved for future use.

Section 15(a). Reserved for future use.

Section 16. Deleted at October 16, 2006 Fall Town Meeting.

Section 17. The Town Manager shall appoint a Council on Aging as authorized by Massachusetts General Laws, Chapter 40, Section 8-B, said Council to consist of nine (9) or more citizens 50% over 65 years of age. *(Amended at the October 18, 2004 Fall Town Meeting. Approved by the Attorney General on December 22, 2004.)*

Section 18. Noncriminal disposition

Section 1 - Enforcement

1.1 Criminal Complaint

Any person who violates the provisions of any bylaw of the Town of Athol, may be penalized by the indictment or on complaint brought in District Court. Except as may be otherwise provided by law and as the District Court may see fit to impose, the penalty for each violation or offense shall be not less than twenty five dollars (\$25.00), nor more than three hundred dollars (\$300.00).

Chapter III: TOWN OFFICERS, DEPARTMENTS AND COMMITTEES

1.2 Non-criminal Complaint

Any person who violates the provisions of any bylaw of the Town of Athol, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in the General Laws, Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following bylaws, rules or regulations are to be included within the scope of this subsection, that the specific penalties as listed hereunder shall apply in such cases, and that the municipal official listed for each ordinance, rule or regulation shall be the enforcing person for such ordinance, rule or regulation. Nothing herein shall limit or restrict any enforcing person's authority to seek criminal prosecution of any violation of any ordinance, rule or regulation listed herein. Each day on which any violation exists shall be deemed to be a separate offense.

Section 2 - Violations subject to specific penalties

2.1 Violation of Chapter V, S3E of the bylaws "Numbering of Commercial and Residential Buildings"

Enforcing Agent: Police Department

Penalty: First and subsequent offense \$10

2.2 Violation of Chapter V, S11 of the bylaws "Roller blading and roller skating"

Enforcing Agent: Police Department

Penalty: First offense \$25 Subsequent offenses \$50

2.3 Violation of Chapter V, S15 of the bylaws "failure to shovel sidewalks of ice and snow after a storm. Commercial and residential areas."

Enforcing Agent: Police Department

Penalty: First offense warning

Second and subsequent offense \$20;

(Amended at the October 18, 2004 Fall Town Meeting. Approved by the Attorney General on December 22, 2004.)

2.4 Violation of Chapter V, S16 of the bylaws "producing harsh and objectionable noises from musical instruments as a car radio, portable radio's, boom box or cassette tape players while in public".

Enforcing Agent: Police Department

Penalty: First and subsequent offense \$20

2.5 Violation of Chapter V, S27 of the bylaws "issue citation of owners of all unregistered motor vehicles on private property."

Enforcing Agent: Police Department

Penalty: First offense \$50

Second offense \$150

Third and subsequent offenses \$300

Chapter III: TOWN OFFICERS, DEPARTMENTS AND COMMITTEES

(Amended at the October 17, 2005 Fall Town Meeting. Approved by the Attorney General on February 28, 2006.)

2.6 Violation of Chapter V, S28 of the bylaws "pedestrians blocking sidewalks and public entrances to commercial or public buildings."

Enforcing Agent: Police Department

Penalty: First and subsequent offense \$20

2.7 Violation of Chapter V, S29A of the bylaws "piling, pushing or plowing snow onto a public way."

Enforcing Agent: Police Department

Penalty: First and subsequent offense \$25

2.8 Violation of Chapter V, S30 of the bylaws "Open container law."

Enforcing Agent: Police Department

Penalty: First and subsequent offense \$25

2.9 Violation of Chapter V, S32 of the bylaws "parking fines as now enforced."

Enforcing Agent: Police Department

Penalty:

2.10 Violation of Chapter VII of the bylaws "failure to register alarms."

Enforcing Agent: Police Department

Penalty: First and subsequent offense \$50

False alarms after 5 \$25 each

2.11 Violation of Chapter V, S8 of the bylaws "illegal placing of stone, brick, stick or other substances likely to obstruct the flow of water therein (catch basins)."

Enforcing Agent: Police Department

Penalty: First and subsequent offense \$25

2.12 Violation of Chapter V, S26 of the bylaws "pertains to hawkers and or peddlers in Athol without permits."

Enforcing Agent: Police Department

Penalty: First and subsequent offense \$25

2.13 Violation of Chapter X of the bylaws "failure to license dogs." Deleted at May 3, 1999 Annual Town Meeting. See Chapter X Dog By-Laws.

2.14 Violation of Chapter V, S9 of the bylaws "residential trash".

Enforcing Agent: Board of Health, Health Agent

Penalty: First offense \$50

Second and subsequent offenses \$100

2.15 Violation of Massachusetts Electrical Code under 527 CMR 12

Enforcing Agent: Electrical Inspector

Chapter III: TOWN OFFICERS, DEPARTMENTS AND COMMITTEES

Penalty: First offense \$20
Second and subsequent offense \$20

(Passed at the Annual Town Meeting on April 29, 1996. Approved by the Attorney General on June 11, 1996.)

2.16 Violation of Chapter V, Section 35 of the bylaws “pertaining to parks, recreation facilities, water and sewer properties”

Enforcing Agent: Athol Police Department
Penalty: Not more than \$50.00 for each violation

2.17 Violation of Chapter VIII, Section 12 of the bylaws “Rules & Regulations of the Cemeteries”

Enforcing Agent: Athol Police Department
Penalty: Not more than \$50.00 for each violation

2.18 Violations of Regulations Regarding Smoking in the Town of Athol

Enforcing Agent: Board of Health Agent and respective designees

Penalty: First Offense \$50.00
Second Offense \$75.00
Third and subsequent \$100.00

(Amended at the October 15, 2001 Fall Town Meeting. Approved by the Attorney General on January 10, 2002.)

2.19 Violation of Chapter V, Section 37 of the bylaws “Drainage Discharge on Public Ways”

Enforcing Agent: Athol Police Department
Penalty: First and subsequent offense \$50.00

(Adopted at the October 15, 2007 Fall Town Meeting. Approved by the Attorney General on January 22, 2008.)

2.20 Violation of Chapter V, Section 38 of the bylaws “Feeding or Baiting of Waterfowl”

Enforcing Agents: Police Officers, Natural Resource Officers, Agents of the Board of Health, Environmental Police Officers and other enforcement officers of the Division of Law Enforcement, and Deputy Environmental Police Officers.

Penalty: First and subsequent offense \$50.

(Adopted at the October 19, 2009 Fall Town Meeting. Approved by the Attorney General on February 18, 2010.)

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2.21 Violation of Chapter V, Section 39 of the bylaws “Public consumption of Marijuana or Tetrahydrocannabinol”

Enforcing Agent: Police Department
Penalty: First and subsequent offense \$300

(Adopted at the October 19, 2009 Fall Town Meeting. Approved by the Attorney General on February 18, 2010.)

2.22 Violation of Chapter V, Section 10 of the bylaws “pertaining to any goat, sheep, cow of other neat equine swine or fowl at large or upon any public place in town”

Enforcing Agent: Police Department and/or Animal Control Officer
Penalty: First and subsequent offense \$50

(Adopted at the June 11, 2012 Annual Town Meeting. Approved by the Attorney General on September 24, 2012.)

Chapter IV: TOWN BUILDINGS AND PROPERTY

MEMORIAL BUILDING

Section 1(a). The town hall building, dedicated as a memorial to Athol's soldiers and sailors of all wars, shall be known as Memorial Building, and its several halls shall be known by the following names:

The main auditorium	Memorial Hall
The basement auditorium	Liberty Hall
The basement east hall	G.A.R. Hall
The second floor west hall	Veterans' Hall

Section 1(b). The care, custody and control of the entire Memorial Building shall be with a Memorial Hall Committee consisting of two Selectmen, and five voters to be appointed by the Town Manager each year in April to serve for one year from May first. This Committee, with the aid of the Town Manager, shall employ necessary custodians, and attend to the lighting, heating, care and repair of the building, and make reasonable rules and regulations not inconsistent with these bylaws for the use and occupancy of said building. All town officers and boards shall, as far as possible, be provided necessary and adequate office and vault space in the building, and in the use of the building's facilities the carrying out of the town's business shall be given first consideration. *Amended at the October 20, 2014 Fall Town Meeting. Approved by the Attorney General on January 26, 2015.*

Section 1(c). The Committee may allow rent free use of G.A.R. Hall and Veterans' Hall, so-called, for meetings of local units of organizations of United States war veterans recognized by state law, the auxiliaries of such organizations, and in its discretion, for meetings of local units of nationally organized patriotic societies. The Committee may also allow the free use of Liberty Hall and the kitchen in connection with any such meetings when, in its opinion, such use is reasonable and convenient.

Chapter IV: TOWN BUILDINGS AND PROPERTY

The Committee shall grant the Athol Veterans Council (consisting of the American Veterans [Am Vets] Post 793, Edward H. Phillips American Legion Post No. 102, Disabled American Veterans Chapter 46, Pequig Detachment 1168 Marine Corps League, Roy L. Boyce Post 650 Veterans of Foreign Wars, Vietnam Veterans of America Chapter 340 the use of Memorial Hall and Liberty Hall on Armistice (Veterans) Day and the use of Memorial Hall on Memorial Day in the event of rain and each of the afore mentioned organizations the use of Memorial Hall one night each year without charge. To each of said organizations and to the Athol High School Alumni Association for the rentable portions of Memorial Building on one other date each year, without charge, provided said use shall not be for the purposes of revenue or gain. *Amended at the October 20, 2014 Fall Town Meeting. Approved by the Attorney General on January 26, 2015.*

The several halls may be used rent free by the School Department in relation to student activities, on request of the Superintendent of Schools, at such times as the Committee may deem reasonable and convenient. Organizations of town employees and Firemen's Relief Association may have use of the several halls on one night of each year without charge.

Section 1(d). Except as herein provided, the rentable portions of the building shall not be used or occupied by any person, board or organization, excepting public officials, or committees while doing official business, until there is paid to the Committee the rental thereof for the time such portion is to be occupied. The Committee shall fix the rental of all rentable portions of the building with the object in view of providing maximum community use of any benefit from the building's facilities, but it shall take into consideration the cost to the town involved in such use, and such rental shall include a reasonable charge for janitor service. No discrimination shall be made, but all shall be charged the same rental for any given period.

Section 1(e). All applications for the use or occupancy of any rentable portion of Memorial Building shall be considered by the Committee in the order in which they are received, but no application for such use or occupancy for more than six successive days shall be considered, nor shall the application of any one person or organization for such use for more than six days in any calendar year be granted to the exclusion of any person or organization who may subsequently apply for such use, provided that such latter application is filed at least fourteen days prior to the proposed date of such use or occupancy.

No person or organization to whom the use of any rentable portion of Memorial Building is granted shall sublet his or its right to such use to another without express permission in each instance from the Memorial Hall Committee.

Section 2. No contract for construction, supplies or services shall be awarded unless it is in accordance with the appropriate chapter (Chapter 7, 30B, 30-39M or 149) of Massachusetts General Law. *(Amended at the October 16, 2006 Fall Town Meeting. Approved by the Attorney General on February 13, 2007.)*

Chapter V: STREETS, SIDEWALKS, PUBLIC PLACES, AND UTILITIES

Section 1. Whenever the words "street" or "public way" in either the singular or plural are used in any bylaw they shall be understood to mean all public alleys, lanes, courts, public squares, and

Chapter V: STREETS, SIDEWALKS, PUBLIC PLACES, AND UTILITIES

including sidewalks and gutters, unless the contrary is expressed or such construction would be inconsistent with the manifest intent of the bylaw.

Section 2. The Planning Board may establish rules governing the choice of names for public and private ways and the use of such designations as "street", "avenue", "place" and "court" in the naming of such ways. No name shall be adopted which is inconsistent with the rules so established. The Board may rename public ways, and name or rename private ways, in the manner provided by law for the naming and renaming of such ways. *(Amended at the October 15, 2007 Fall Town Meeting. Approved by the Attorney General on January 22, 2008.)*

Section 3. The street numbering records shall be in the custody of the Town Clerk, but all numbers shall be assigned under authority of the head of the Superintendent of Public Works. The present street numbers assigned and recorded in William G. Lord's street numbering book are hereby accepted as the official street numbers and all new numbers assigned shall be determined in accordance with the rules now prevailing, as indicated therein. Every entrance to a building on a numbered way shall be numbered on such way, and buildings facing on private ways may be so numbered. No plumbing or electric wiring permit, or other permit or license relating to the construction or alteration of buildings, now or hereafter required by law or by town bylaws, rules or regulations shall be granted for any building abutting on a numbered way which has not been so numbered or application made therefore.

Accepted the following bylaw at the special town meeting held October 19, 1987: Street numbers shall be attached to each dwelling, business, industry and other buildings in the Town of Athol.

- (a) The number shall be made of permanent, weatherproof materials, shall be at least three (3) inches in height in a contrasting color, and shall be clearly visible from the street or roadway upon which the structure fronts.
- (b) Any structure that is not visible from the street or roadway shall have the assigned number posted on a suitable support at the entrance to the driveway that services such structure.
- (c) The numbers posted shall be those assigned to each structure as filed in the office of the Town Clerk. The Clerk shall advise the owners of the property of the assigned or reassigned number in writing at the property's tax address.
- (d) It shall be the responsibility of each property owner in the town to obtain, display and maintain the assigned street number within ninety (90) days of adoption of this bylaw at the town meeting.
- (e) This bylaw shall be enforced by the Police Department. Failure to comply with this bylaw shall subject property owners to a fine of not more than twenty dollars (\$20.00) for each offense.

Section 3-A. No person shall remove or disturb any street boundary stone or marker, nor shall they cause the same to be permanently concealed as by construction of a sidewalk, wall or building until the Selectmen or the Superintendent of Public Works has been notified and have had the location tied in by standard engineering procedure. This requirement shall also extend to buried bounds that become uncovered during construction operations, and shall apply as well to activities of town departments and public utility companies, and to their independent contractors.

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Section 4. No person, except when acting under orders of the Highway, Sewer or Water Department in the lawful performance of the duties of such Department, shall break or dig up the ground in any public street or way without first obtaining a written permit from the Superintendent of Public Works. All persons acting under such permit shall maintain a suitable barrier or guard around the part of the street or way so broken up, and shall keep suitable lights exposed every night from sunset to sunrise so long as such street or way shall remain unsafe for travelers. Upon completion of such work the surface of such street or way shall be restored.

Section 5. The Superintendent of Public Works may license excavations in any sidewalk or other portion of the street, not inconsistent with the laws of the Commonwealth, for cellar doors, passageways, coal holes, passage for light and air, and other necessary purposes; provided that no such cellar door, passageway, coal hole, or other passage shall extend more than three and one-half feet into such sidewalk or other portion of the street, and that the same shall be made secure by such suitable platform, grate or other covering as the Superintendent of Public Works shall determine.

Section 6. Any person intending to erect, repair or take down any building on land abutting on a street or way which the town is required to keep in repair, and who desires to make use of any portion of such street or way for the purpose of placing therein building materials or rubbish, shall give notice thereof to the Superintendent of Public Works. The Superintendent of Public Works may grant a permit to occupy a portion of said street or way, and such permit shall be upon the condition that the licensee shall keep a sufficient number of lighted lanterns at or near the parts of the street or way obstructed or unsafe, and shall keep a railing or guard around the same, while such obstruction shall continue. If such obstruction is more than a temporary condition, the licensee shall place a good temporary walk around said obstruction, and at the completion of the work shall restore the street or way to the satisfaction of the Superintendent of Public Works.

Section 7. Before issuing a license as specified in the preceding section, the person applying for the same shall execute a written agreement to indemnify and save harmless the town against and from all damage, cost or expense it may suffer or be put to by reason of any claim for damages or by reason of any proceeding, criminal or civil, on account of the existence of such obstruction or excavation.

Section 8. No person shall throw, place or suffer to fall into any catch basin, common drain or sewer in the town, or into any inlet thereof, any dead animal, stone, brick, stick or other substance likely to obstruct the flow of water therein.

Section 9. Except as otherwise provided by statute, bylaw or regulation, no person shall, in any manner place or cause to be placed in a public way, sidewalks, private way, town trash receptacles, or body of water within the town, residential refuse, garbage, debris, construction and waste material.

Such refuse, garbage, debris and waste material is allowed to be placed on public or private ways on the designated days of (or 24 hours prior) to trash pick up. Penalties for such violations are either enforced under Chapter III, Section 19 noncriminal disposition or by criminal complaint. *(Amended at the Annual Town Meeting on April 29, 1996. Approved by the Attorney General on July 15, 1996.)*

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Section 10. No person shall permit or suffer any goat, sheep, cow or other neat, equine, swine or fowl of any kind or description belonging to him or her, or under his or her care to go at large in or upon any street, sidewalk, or other public place in the town, or upon the private property of another without their expressed permission. (*Amended at the Annual Town Meeting on June 11, 2012. Approved by the Attorney General on September 24, 2012*).

Section 11.

A. No person shall drive, wheel, ride, propel or use any bicycle, cart, wheelbarrow, handcart, sidewalk surfboard, roller skates, or inline skates upon any sidewalk in town as to impede travel thereon.

B. No person shall drive, wheel, ride, propel or use a sidewalk surfboard, skateboard, roller skates or in-line skates on the following public areas, public ways, and sidewalks adjacent to:

The Central Business District: The term CENTRAL BUSINESS DISTRICT BEAT shall mean that area on Main Street from Crescent Street (Starrett's Corner) to Union Street, from Main Street on School Street (which includes Traverse Street) to South Street and on South Street to Exchange Street. On Exchange Street from South Street to Marble Street. On Island Street from Main to Marble Street and Church Street from Main Street to Walnut Street. On Metropolitan Court from Main Street to Marble Street.

1. All Municipal Parking Areas and Garages
2. Parks (except designated areas)
3. Cemeteries
4. Main Street in its ENTIRETY

(*Amended at the October 17, 2005 Fall Town Meeting. Approved by Attorney General on February 28, 2006.*)

C. Bicycles shall be allowed to be driven on all streets and on all sidewalks except on sidewalks on Main Street in its entirety.

Anyone who violates the provisions of this section (Section 11) shall be punished by a fine not to exceed \$25.00 for the first offense and not more than \$50.00 for each subsequent offense.

Section 12. No person shall allow any gate or door belonging to the premises under his legal control and adjoining any public way to swing on, over or into such public way so as to obstruct or interfere with the use thereof.

Section 13. Every owner of a building standing near the line of a public way or street shall erect and maintain suitable barriers or take other suitable measures to prevent the falling of snow and ice, and rain water or melted snow or ice from such building upon any public street, way, sidewalk or footway.

Section 14. No person shall permit water from the eaves or leader pipe of any building owned or cared for by him to be discharged upon the sidewalk.

Section 15. The owner of any real estate abutting upon any sidewalk now in use - or hereafter constructed within the Town shall, except when exempted as noted below, within forty eight (48) hours after the ceasing to fall or form of any snow, ice or sleet; shall cause the same to be

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removed from such sidewalk, and if the same cannot be wholly removed, shall sprinkle thereon sand, or other proper substance, so that such sidewalk shall be safe for travel.

15.1 The property owner shall not be responsible for removing snow on an abutting sidewalk if an excessive amount of snow is plowed onto the sidewalk by municipal or state vehicles (in the course of plowing a public way) which cannot be reasonably removed by hand shoveling, or by a mechanical snow blower marketed as a residential model.

15.2 The property owner shall not be responsible for removing snow on an abutting sidewalk if a law enforcement agency, or other agency having jurisdiction, determines a police detail is necessary.

15.3 The property owner shall not be responsible for removing snow on an abutting sidewalk if an extreme hardship is determined to exist. This determination to be made by the Town Manager or the Town Manager's agent.

15.4 No fines will be imposed on any property owner until the Town has completed clearing and/or treating all sidewalks that abut Town property.

15.5 With the written approval of the Town Manager, any Owner, or owner's agent, when compliant with Chapter V, S15 will be held harmless by the Town and the Town shall defend the owner, or the owner's agent, at town cost in the event of litigation regarding snow removal from said sidewalk. If the Town Manager does not agree to defend the owner, or owner's agent, then the owner, or owner's agent, has the right to appeal the decision to the Board of Selectmen.

(Amended at the October 18, 2004 Fall Town Meeting. Approved by the Attorney General on December 22, 2004.)

Section 16. No street band shall play nor any musical instrument be played by anyone in the streets, sidewalks or ways of the town without a written permit from the Selectmen bearing the approval of the Chief of Police.

Section 17. No person shall form or conduct any parade in any street, sidewalk or public way or form or conduct, for the purpose of display or demonstration, any procession or assembly of people in any street, sidewalk or public way within the town, without a written permit from the Selectmen bearing the approval of the Chief of Police; and no person shall take part in any such parade, procession or assembly that is not authorized by such a permit.

Section 18. Deleted per Attorney General's Office on March 6, 2001.

Section 19. No person shall ring or cause to be rung, any bell, or use or cause to be used, any horn or other instrument, or utter any boisterous outcry to call attention for the purpose of making a sale of any article, in any street or public place without a written permit from the Selectmen bearing the approval of the Chief of Police.

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Section 20. No person unless required by law so to do, shall without a permit from the Selectmen, post or affix in any manner, paint, print, write or cause to be painted, printed or written any notice, advertisement, bill, picture, drawing or writing upon any curbstone, sidewalk, tree, pole, post or hydrant in any street or public place, or upon any walk or fence or upon or in any public buildings. All of the above must be removed within forty-eight (48) hours after the event. If not removed, the

Town of Athol is authorized to remove all of the above at the owner's expense. *(Amended at the October 17, 2005 Fall Town Meeting. Approved by the Attorney General on February 28, 2006.)*

Section 21. No person shall in any public streets, ways or places of the town discharge any gun, pistol or other firearm, except in the performance of some legal duty.

Section 22. The Selectmen shall make rules and regulations for the operation of motor boats upon the rivers, ponds and lakes of the town to the end that such motor boats shall not be operated in a manner which endangers the safety of the public or is detrimental or injurious to the neighborhood or to the value of property therein, and provide penalties for the breaking of such rules and regulations. *(Adopted by amendment, effective March 29, 1954)*

Section 23. Any owner or person in control of land whereon is located an abandoned well or a well in use shall either provide a covering for such well capable of sustaining a weight of three hundred pounds or shall fill such well to the level of the ground. Whoever shall violate this bylaw shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars. *(Adopted by amendment, effective July 21, 1958)*

Section 24. No vehicle shall be driven or moved on any street or highway nor shall any owner of any vehicle knowingly permit such vehicle to be driven or moved on any street or highway unless such vehicle is so constructed or so loaded as to prevent its contents from spilling, dropping, sifting, leaking or otherwise escaping therefrom. Vehicles loaded with any material which may be blown about by the wind shall be suitably covered to prevent the contents from being blown upon the streets or highways. *(Adopted by amendment, effective April 17, 1959)*

Section 25. No person shall operate a tractor-treaded vehicle having metal treads in any public way within the Town of Athol. *(Adopted by amendment, effective April 17, 1959)*

Section 26. The Selectmen shall make rules and regulations pertaining to the scope of hawkers and/or peddlers operating within the limits of the Town of Athol, and to the end that such hawkers and/or peddlers shall not sell their goods, wares and merchandise within the limits of the Town of Athol without a written permit from the Selectmen and bearing the approval of the Chief of Police.

Any person convicted of a violation of the rules and regulations adopted under this bylaw shall be punished by a fine of not exceeding twenty dollars (\$20.00) for each offense. *(Adopted by amendment, effective July 6, 1961)*

Section 27 - Keeping of Unregistered Motor Vehicles

27.1 - Definitions

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Motor Vehicle – Any and all vehicles described as motor vehicles in Chapter 90, Section 1 of the Massachusetts General Laws.

Unregistered Motor Vehicle – Any motor vehicle which is not currently and actively registered.

Open View – Not housed in a structure and capable of being viewed from any public way or place, or from any private property other than the property on which the vehicle is stored, whether or not the vehicle is covered by a tarp or other type of covering.

- 27.2 - No person or entity, corporate or otherwise, as owner, occupant, or as one in control of any real property located in the Town of Athol shall keep in open view any unregistered motor vehicle, assembled or disassembled, except as permitted by the provisions of this section.
- 27.3- Holders of a license issued under the provisions of Massachusetts General Laws (M.G.L.), Chapter 140, Section 59 are exempt from this by-law.
- 27.4 - One unregistered motor vehicle may be kept in open view on each parcel of real property provided the motor vehicle is capable of being registered in the Commonwealth of Massachusetts, and does not display any obviously visible safety violations as described in Chapter 90, Section 7 of the M.G.L (i.e. missing or broken windshield, headlights, tail lights, etc.).
- 27.5 - The Board of Selectmen may issue a permit for the keeping of unregistered motor vehicles on real property, only after said Board has held an open meeting on the application thereof in accordance with section 27.5b.
- a) The permit application shall include;
 - 1. Make, model, color, year of manufacture, and vehicle identification number (V.I.N.) of each unregistered motor vehicle.
 - 2. Photograph of each vehicle.
 - 3. Name, address, date of birth, and telephone number of the applicant.
 - 4. Name, address, and telephone number of the owner of each vehicle (if different).
 - 5. The purpose for which the unregistered motor vehicles are being stored.
 - b) Permits shall only be issued for the following purposes;
 - 1. A permit may be issued annually, renewable for a year at a time, for vehicle restoration, provided evidence of substantial improvements to the vehicle can be

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adequately demonstrated upon renewal. A nonrefundable application fee of fifty dollars (\$50.0) for each vehicle will be assessed for each permit and subsequent renewal. Property owners within one hundred (100) feet of the applicant's real property shall be notified of the open meeting concerning the permit or renewal application no less than one (1) week prior to the open meeting.

2. The private sale of each vehicle provided a Class I or II license is not required for said sale. A permit may be issued for a thirty (30) day period, renewable for one (1) additional thirty (30) day period only. A nonrefundable application fee of ten dollars (\$10.00) per vehicle will be assessed for both the original application and the renewal (if any).
- c) Upon the filing of a petition signed by no fewer than ten (10) registered voters of the Town of Athol with the Board of Selectmen asking for the revocation of any permit issued under this section, the Selectmen shall hold a public hearing to review the conduct of the holder of the permit. If the Selectmen determine that the activities of the permit holder are not in keeping with the purpose stated in the permit, or that said activities constitute a public nuisance or hazard to the public safety, the Selectmen may, by majority vote, revoke said permit.

27.6 - Penalties and Enforcement

- a) Enforcing agent - All law enforcement officers with jurisdiction in the Town of Athol.
- b) Any violation of this section shall be punishable by a fine of fifty dollars (\$50.00) for the first offense, one hundred and fifty dollars (\$150.00) for the second offense, and three hundred dollars (\$300.00) for the third and subsequent offenses. Each fifteen (15) day period of violation shall constitute a separate and distinct offense.
- c) After a public hearing, the Selectmen may contract for the removal of unregistered motor vehicles which are in violation of this section. Any expense to the Town in accomplishing the removal of such unregistered motor vehicles may be assessed by the Selectmen on the real property from which said vehicles were removed, and the expense so assessed shall constitute a lien and charge upon the real property on which it is levied until paid or otherwise satisfied or discharged as other Town charges.

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27.7 - In addition to the penalties set forth above, the Town may commence an action in its own name against any person or entity in any civil court of competent jurisdiction to seek an injunction to enforce compliance with this section. Such action for injunction relief may be independent of, or a part of an action to collect the penalties as hereinabove provided. *(Amended at the October 16, 2006 Fall Town Meeting. Approved by the Attorney General on February 13, 2007).*

Section 28. No person shall, nor shall any person cause any animal to:

- (a) Place any obstruction upon any street, sidewalk or other way to which the public has a right of access;
- (b) Stand in any street, on any sidewalk or in any way to which the public has a right of access in such a manner as to obstruct the free and safe passage of any travelers thereon;
- (c) Obstruct any doorway, portico or passageway into any residence or business establishment into which the public has a right of access thereto as invitees.

Any violation of this section shall be punished by a fine not to exceed twenty-five dollars (\$25.00). The Police Department of the Town of Athol shall be the enforcement authority for this bylaw. *(Amendment effective September 28, 1990)*

Section 29. Any motor vehicle that is parked in any manner on a public way that interferes with the snow removal operation or snow plowing operation, if the owner cannot be located, may be towed at the discretion of the Police Department at the expense of the owner.

Section 29-A. "No person other than an employee in the service of the town or an employee in the service of an independent contractor acting for the town shall pile, push or plow snow or ice onto a town highway so as to impede the flow or traffic on such a way. Whoever violates this section shall be punished by a fine of not more than twenty dollars (\$20.00).

Section 30. Alcoholic bylaws:

(a) No person shall keep, use, consume or have in his possession any alcoholic beverage as defined in Chapter 138, Section 1, of the Massachusetts General Laws, without a permit issued by the Selectmen, in any building or structure or on any property owned by the Town of Athol and used for municipal purposes.

(b) No person shall consume or have in his possession any open container or other vessel containing any alcoholic beverage as defined in Section (a), without a permit issued by the Selectmen, in any portion of any structure in the Town of Athol leased, rented or otherwise used by said town for municipal purposes.

(c) No person shall consume or have in his possession any open container or other vessel containing any alcoholic beverage as defined in Section (a) while in or upon any public way in the Town of Athol.

(d) No person shall consume or have in his possession any open container or other vessel containing any alcoholic beverages as defined in Section (a) upon any way, place or building in the Town of Athol to which members of the public have access as invitees or licensees without permission of the owner or person in control thereof.

(e) No person shall keep, use, consume or have in his possession any alcoholic beverages as defined in Section (a) in any public park or playground in the Town of Athol, except as may be provided in Section (d).

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(f) All alcoholic beverages being used in violation of this bylaw shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession.

Any person who violates the above bylaws shall be subject to a fine of not more than fifty dollars (\$50.00) for each offense.

Section 31. Reserved for future use.

Section 32. Adopted the following bylaw requiring and regulating designated parking spaces for vehicles operated by certain disabled veterans and handicapped persons. (*Special town meeting of February 4, 1985, Book 15, Page 59-60*)

- (a) Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees is hereby required to reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by Section 2, Chapter 90 of the Massachusetts General Laws, in accordance with 521 CMR. (Amended at the October 16, 2006 Fall Town Meeting. Approved by the Attorney General on February 13, 2007.)

The penalty for violation of this section shall be as follows: for the first offense, fifteen dollars; for the second offense, twenty-five dollars; and for each subsequent offense, the vehicle may be removed according to the provisions of Section 120D, Chapter 266 of the Massachusetts General Laws.

Section 33. The Town established a bylaw to provide for making repairs on private ways under the provisions of Massachusetts General Laws, Chapter 40, Section 6N, as petitioned by all the abutters, to fund temporary repairs and maintenance pursuant to the guidelines established by the Town of Athol Public Works Department for such ways. The Town of Athol shall not be liable for any damages caused by such repairs. Drainage of said road shall be addressed on an as needed basis and the way has been and will be open to the public.

Section 34. No person shall operate a jet ski, surf jet or wetbike

- (a) on waters of the Commonwealth unless the person is sixteen years of age or older;
- (b) within one hundred and fifty feet of a swimmer, shore or moored vessel, except at headway speed;
- (c) on waters of the Commonwealth of less than seventy five acres;
- (d) without wearing an approved personal flotation device; or
- (e) between sunset and sunrise.

For the purpose of this section, the term "headway speed" shall mean the slowest speed at which a personal water craft, jet ski, surf jet or wetbike can be operated and maintain steerage way.

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Whoever violates any provision of this section and any rule or regulation pertaining thereto shall be punished by a fine of not more than \$50.00. (*Passed at October 23, 1995 special town meeting. Approved by the Attorney General, effective November 17, 1995.*)

Section 35. The Board of Selectmen shall establish all rules and regulations for use of all parks, recreation facilities and water & sewer property to include hours of operation, access and parking restriction, motorized and unmotorized vehicles as well as any other rules for care and use of property under their jurisdiction.

Any person found in violation of any rule or regulation of the Board of Selectmen shall be subject to a fine of not more than fifty (\$50.00) dollars for each violation under this bylaw.

The Athol Police Department shall have jurisdiction to enforce the provisions of the rules and regulations adopted by the Board of Selectmen.

Section 36: Sewer Inflow & Infiltration

Background and Purpose: A serious problem exists with the presence of unwanted inflow and infiltration of “clear water” in the Athol sanitary sewer collection system. Clear water includes, but is not limited to storm water, surface water, groundwater, or un-metered industrial and commercial water that is not categorized as a polluted discharge defined under Code of Massachusetts Regulations (CMR) 314 and the adopted Town of Athol Sewer Use Ordinance.

Inflow is attributed to a direct connection with a source of clear water and the sanitary -sewer via a sump pump, roof leader, foundation drain or street or parking lot catch basin. Generally inflow is linked to a rain or flooding event or the cycling of a pump.

Infiltration is clear water (usually groundwater) that seeps or leaches into cracks in old pipes and sewer manholes and is often attributed to the level of a water table or degree of soil saturation.

Inflow & Infiltration (hereafter “I&I”) of clear water causes the need for increased capacity of the Town collection system, pumping stations, and wastewater treatment facility. The capacity taken up by I&I also displaces the capacity available for future development in the Town. The extra flow greatly increases the Town’s electrical costs of pumping and as well as treatment and chemical costs. Clear water should remain as groundwater and recharge wetlands or be conveyed to an approved storm water system (such as street drainage).

Restrictions:

As of July 1, 2008, any owner of any premises serviced by the Athol Sewer System will be prohibited from discharging, or by any other means allow to enter, any “clear water.” Clear water is defined as storm water, surface water, ground water, or un-metered water from industrial or commercial water that is not categorized as a polluted discharge defined under CMR 314 and the Athol Sewer Ordinance into the Athol sanitary sewer collection system. No sump pump, roof leader, perimeter drain or any other piping, shall be connected or discharge clear water into the sanitary sewer collection system.

Exemption: sewer pumps, ejector pumps, gray water pumps, and submersible pumps installed as an integral part of an internal sanitary sewer system, are exempt provided no clear water is directed to the holding structure, pit, tank or vault for the sanitary sewer pump.

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Authority: The Athol Board of Selectmen or Commission (hereafter the “Commission”) that is granted the powers and duties of Sewer Commissioners by Athol Town Charter shall be the controlling authority of this by-law. Duties may be delegated to the Athol Department of Public Works, Health Department, Inspector of Buildings and/ or any other designee by a majority vote of the Commission. Any owner of any premises serviced by the Athol sanitary sewer system shall, after receiving written notice, allow inspections of that premises for compliance with this by-law.

Penalties and Enforcement: Owners of a connection (hereafter the “owner”) that permits clear water to enter the sanitary sewer system shall be issued a notice of violation and upon notification shall immediately enter into a consent agreement with the Athol Department of Public Works (hereafter the “Department”). The consent agreement shall include a satisfactory schedule for the physical disconnection between the source of clear water and the sanitary sewer. All work shall be performed by the owner or his designee at the owner’s expense. Exception to the responsibility of cost may be possible, if future means of alternative funding sources become available; i.e. grants, town sanctioned incentives or funding assistance programs.

A minimum penalty fee of \$50 shall be assessed per month. Greater fees may be assessed at the current sewer rate if it is determined that a significant amount of water is being discharged. The fee shall be billed to the owner of record of the property at which the cross connection exists until the owner provides a written affidavit stating that the clear water cross connection has been physically eliminated and the property has been inspected by a designee of the Sewer Commission. The fee shall become effective on the first day of the month after the date of the consent agreement.

The Department reserves the right to inspect such property at least yearly to verify compliance. Refusal of admittance by the owner of the property shall result in the re-issuance of a notice of violation and a fine of \$100 per offense. The Town shall use legal means to conduct inspections if the owner continues to refuse access.

Fees: Fees shall be deposited in the Athol sewer reserve fund.

Undue Hardship: In the event that during freezing weather, the relocation of a discharge of clear water causes a safety hazard on a roadway, a connection to the sanitary sewer shall be allowed to continue under the consent agreement with the issuance of a permit from the Department. The \$50 per month penalty fee will be reduced to a \$25 per month service fee until April 1st at which time the \$50 per month penalty fee will be reestablished.

Sewer Extension Permits: Effective upon approval of this by-law, applicants for sewer extensions and sewer connections that require a sewer extension permit from the Department of Environmental Protection under CMR 314 shall be required to remove twice the amount in gallons of inflow and infiltration from the Athol sewer collection system to offset the gallons of waste water applied for in the permit application. The removal shall be defined and documented by a professional engineer and removed at the owner’s expense. In lieu of defining and removing the actual I&I, the applicant may submit a cash payment to the Athol Sewer reserve fund to pay for future I&I removal. The amount of the payment shall be based on a cost estimate to remove a calculated amount of I&I as prepared by a professional engineer. (*Adopted at the October 15, 2007 Fall Town Meeting. Approved by the Attorney General on January 22, 2008.*)

Chapter V: STREETS, SIDEWALKS, PUBLIC PLACES, AND UTILITIES

Section 37: Drainage Discharge on Public Ways:

Background and Purpose: A serious problem exists with the discharge of drainage water onto public ways. This problem particularly arises during the colder winter months when freezing and icing occurs causing safety hazards to the general public. The most common cause of discharge is by the use of sump pumps.

Restrictions:

As of October 1, 2008, owners of any premises shall be prohibited to discharge water onto a public way or sidewalk in a manner that may cause a safety hazard for the general public.

Authority: The Athol Board of Selectmen shall be the controlling authority of this by-law. Duties may be delegated to the Athol Police Department, Department of Public Works, Health Department, Inspector of Buildings and/ or any other designee by a majority vote of the Board of Selectmen.

Penalties and Enforcement: Enforcement shall be delegated to the Police Department. Owners of a connection that permit a discharge of water onto the public way in a manner that causes a safety hazard to the general public, shall be issued a notice of violation and upon notification shall immediately cease to discharge water onto the public way.

First and subsequent offense \$50. (*Adopted at the October 15, 2007 Fall Town Meeting. Approved by the Attorney General on January 22, 2008.*)

Section 38. FEEDING OR BAITING OF WATERFOWL

No person, except the Director of the Division of Fisheries and Wildlife or his agent or designee, as authorized pursuant to Chapter 131 of the General Laws, shall feed or bait any waterfowl of the family Anatidae (Including, but not restricted to ducks, geese, and swans) at any place within the Town of Athol. "Feeding" and "baiting" shall mean the placing, exposing, depositing, distributing, or scattering, directly or indirectly, of any shelled, shucked, or unshucked corn, wheat, or other grain, bread, or salt, or any other feed or nutritive substances, in any manner of form, so as to constitute for such birds a lure, attraction, or enticement to, on, or over any such areas where such feed items have been placed, exposed, deposited, distributed, or scattered.

Nothing in this bylaw shall be construed to limit the feeding of domesticated waterfowl, as defined by the Division of Fisheries and Wildlife, by a farmer as defined in Section 1A of Chapter 128 on property owned or leased by him, or the feeding of waterfowl or other birds by propagators licensed under Section 23 of Chapter 131 of the General Laws when such waterfowl or other birds are confined in such a manner as may be required pursuant to said Section 23 and any rules and regulations issued under authority thereof; or the feeding by any person or his agents, invitees of licensees or waterfowl lawfully kept as a pet by such person.

Notwithstanding the above, the Director of the Division of Fisheries and Wildlife or his agent or designee may authorize the emergency feeding of waterfowl and other birds when, in his opinion, such action is necessary to alleviate undue losses and suffering of such birds due to unusual weather conditions and other circumstances. The Director may authorize such action by such

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means as he/she deems necessary and expedient, but such means shall include the immediate notification of the Board of Selectmen thereof by first class mail.

Any person who violates any provision of this bylaw shall be subject to a fine of fifty dollars (\$50.00) for each offense thereof.

This bylaw may be enforced by Police Officers, Natural Resource Officers, Agents of the Board of Health, Environmental Police Officers and other enforcement officers of the Division of Law Enforcement, and Deputy Environmental Police Officers.

Upon approval of this bylaw, the Board of Selectmen shall cause one copy thereof to be mailed to the Director of the Division of Fisheries and Wildlife and one copy to the Director of the Office of Law Enforcement. *(Adopted at the October 19, 2009 Fall Town Meeting. Approved by the Attorney General on February 18, 2010.)*

Section 39. PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL

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

This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. Chapter 40, Section 21, or by noncriminal disposition pursuant to M.G.L. Chapter 40, Section 21D, by the Board of Selectmen, the Town Manager, or their duly authorized agents, or any police officer.

The fine for violation of this bylaw shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under M.G. L. Chapter 94C, Section 32L. *(Adopted at the October 19, 2009 Fall Town Meeting. Approved by the Attorney General on February 18, 2010.)*

Section 40. WATER USE RESTRICTION

Section 1 Authority

This By-law is adopted by the Town of Athol under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and pursuant to its powers under M.G.L. c.40, §§21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, §69B. This by-law also implements the Town of Athol's authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection under G.L. c. 21G, §15-17. This by-law is also intended to implement other water conservation requirements of M.G.L. c. 21G, the "Massachusetts Water Management Act" and its regulations promulgated at 310 CMR 36.00.

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Section 2 Purpose

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

Section 3 Applicability

All Town of Athol water customers public water supply system shall be subject to this by-law. This by-law shall be in effect year round.

Section 4 Definitions

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

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

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

1. for health or safety reasons;
2. by regulation;
3. for the production of food and fiber;
4. for the maintenance of livestock; or
5. to meet the core functions of a business (for example, irrigation by golf courses as necessary to maintain tees and greens, and limited fairway watering, or irrigation by plant nurseries or agricultural operations as necessary to maintain stock or establish new plantings, wash equipment to prevent damage and/or maintain performance, pest management and plant cooling).

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

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

Exceptions to nonessential outdoor water uses are:

- irrigation of public parks and recreation fields by automatic sprinklers outside the hours of 9 AM to 5 PM and;
- irrigation of gardens, flowers and ornamental plants by means of a hand-held hose or drip irrigation systems outside the hours of 9 AM to 5 PM and;

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- irrigation outside the hours of 9 AM to 5 PM with harvested and stored storm water runoff and;
 - irrigation of lawns by hand-held hose only outside the hours of 9 AM to 5 PM
- (Amended at the October 19, 2015 Fall Town Meeting. Approved by the Attorney General on January 11, 2016.)*

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

- irrigation to establish replanted or resodded lawn or plantings during the months of May and September;
- irrigation of newly planted lawns (seeded or sodded) in the current calendar year for homes or businesses newly constructed in the previous twelve months;
- Filling of privately owned outdoor pools

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

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

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town [or Water District] pursuant to Section 5 of this by-law.

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

Water Users shall mean all persons using water within the Town.

Section 5 Declaration of a State of Water Supply Conservation

The Town of Athol, through its Board of Selectmen or their designee authorized to act as such, may declare a State of Water Supply Conservation upon a determination that conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection, to protect the quality and quantity of water in local aquatic habitats such as ponds, rivers and

wetlands and to ensure compliance with the Water Management Act. Upon notification to the public that a declaration of a State of Water Supply Conservation has been declared, no person shall violate any provision, restriction, requirement or condition of the declaration. The Board of Selectmen may designate the Town Manager, DPW Superintendent or Asst. Superintendent to declare a State of Water Supply Conservation at any time that conditions warrant. Public notice of a State of Water Conservation shall be given under Section 8 of this by-law before it may be enforced.

Section 6 Declaration of a State of Water Supply Emergency

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,

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restriction, requirement, condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency.

Section 7 Restricted Water Uses

A declaration of a State of Water Supply Conservation and/or a State of Water Supply Emergency shall include one or more of the following restrictions, conditions, or requirements limiting nonessential outdoor water use by water customers as necessary to control the volume of water pumped each day, except as provided as acceptable in Section 4. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 8.

- a) Nonessential outdoor water use days: Nonessential outdoor water use is permitted only on the days per week specified in the State of Water Supply Emergency or State of Water Supply Conservation and public notice thereof. During a State of Water Supply Emergency or State of Water Supply Conservation, nonessential outdoor water use is restricted to two days or fewer per week.
- b) Nonessential outdoor water use hours: nonessential outdoor water use is permitted only during the hourly periods specified in the declaration of a State of Water Supply Emergency or State of Water Supply Conservation and public notice thereof. At a minimum, nonessential outdoor water use is prohibited during the hours from 9AM to 5PM.
- c) Nonessential outdoor water use method restriction: nonessential outdoor water use is restricted to a bucket or hand-held hose controlled by a nozzle.
- d) Nonessential outdoor water use ban: Nonessential outdoor water use is prohibited at all times.
- e) Automatic sprinkler system ban: The use of automatic sprinkler systems is prohibited.

Section 8 Public Notification of a State of Water Supply Conservation or State of Water Supply Emergency; Notification of DEP

- a) Public Notification of a State of Water Supply Conservation – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the Town of Athol as part of a State of Water Supply Conservation shall be made as soon as possible, but no later than 48 hours following the declaration of a State Water Supply Conservation by publication in a newspaper of general circulation within the Town and by signage on major roadways or intersections. The Town of Athol may also notify the public using other means determined to be appropriate (cable TV, reverse 911, email, etc.). Notification may also include email, Web sites, public service announcements on local media or other such means reasonably calculated to reach and inform all Water Users.
- b) Public Notification of a State of Water Supply Emergency – Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by a State of

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Water Supply Emergency declared by the Department shall be made by publication in a newspaper of general circulation with the Town and by signage on major roadways or intersections. The Town of Athol may also notify the public using other means determined to be appropriate (cable TV, reverse 911, email, etc.). This notice shall be provided as soon as possible, but no later than 48 hours after the public water system receives notice of the Department's declaration of a State of Water Supply Emergency. Notification may also include email, Web sites, public service announcements on local media or other such means reasonably calculated to reach and inform all Water Users of the State of Water Supply Emergency.

- c) Any restriction imposed under Section 5 or Section 6 or in the Department's State of Water Supply Emergency or Order shall not be effective until notification to the public is provided. Submittal of MassDEP's form "Notification of Water Use Restriction" shall be provided to the Massachusetts Department of Environmental Protection within 14 days of the effective date of the restrictions, per MassDEP regulations (310 CMR 22.15(8)).

Section 9 Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Selectmen or by decision of their designee upon a determination by either or both of them that the conditions requiring the State of Water Supply Conservation no longer exist. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required in Section 8a) for notice of its imposition.

Section 10 Termination of a State of Water Supply Emergency; Notice

Upon notification to the Town of Athol, the Board of Selectmen or their designee that the declaration of a State of Water Supply Emergency has been terminated by the Department of Environmental Protection, the public will be notified of the termination in the same manner as is required in Section 8b) for notice of its imposition.

Section 11 Penalties

The Town of Athol through its Water Commissioners or their designee including the water superintendent, building inspector and/or local police may enforce this by-law. Any person violating this by-law shall be liable to the Town in the amounts listed below:

- 1) First violation: Warning
- 2) Second violation: \$50.00
- 3) Third violation: \$100.00
- 4) Fourth and subsequent violations: \$100.00

Each day of violation shall constitute a separate offense. Fines shall be recovered by complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws. For purposes of non-criminal disposition, the enforcing person

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shall be any police officer of the town, the DPW Superintendent or the superintendent's designee. If a State of Water Supply Emergency has been declared the Board of Selectmen shall, in accordance with G.L. c. 40, s. 41A, shut off the water at the meter or the curb stop.

Section 12 Severability

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

Section 13 Controls on In-Ground Irrigation Systems

Subsection 13.1 Registration and Installation

- a) All new and existing in-ground irrigation systems shall be registered with the Department of Public Works, in such form and manner as they shall determine. A fee may be charged for this registration. Registration fees shall be set by the Town Manager. The Department of Public Works may require inspection of the irrigation system.
- b) All in-ground irrigation systems shall be equipped with a timing device that can be set to make the system conform to the Town of Athol's nonessential outdoor water use restrictions. During a State of Water Supply Emergency or State of Water Supply Conservation the timing device must be set to conform to the daily and hourly nonessential outdoor water use restrictions.
- c) All in-ground irrigation systems shall be plumbed so that a shutoff valve is located outside the building and situated so that it may be shut off if found to be in violation of this by-law. For the purposes of this section only, Police Officers of the Town and/or Agents of the Board of Selectmen may enter upon any property to enforce this section.

Subsection 13.2 Soil Moisture-Sensor Devices

- a) All in-ground irrigation systems installed in the Town of Athol after the date of effect of this bylaw shall be equipped with a soil moisture-sensor device, approved by the Department of Public Works, to prevent the system from starting automatically when not needed. Proof of this installation shall be provided to the Department of Public Works at the time of registration.
- b) Any service or repair to an existing in-ground irrigation system shall include the installation of an approved moisture-sensor device, if the same is not already installed and in good working condition. Proof of this installation shall be provided to the Department of Public Works at the time of installation.
- c) The Department of Public Works shall maintain a list, available to the public, of approved soil moisture-sensor devices.

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Subsection 13.3 Backflow Prevention

- a) All in-ground irrigation systems connected to the municipal water system in the Town of Athol shall be protected from backflow events by the installation of a backflow prevention device approved by the Department of Public Works. Each backflow prevention device shall be registered with the Department of Public Works. [A fee may be charged for this registration. Registration fees shall be set by the Town Manager.]
- b) The Department of Public Works shall maintain a list, available to the Public, of approved backflow prevention devices. Refer to Table 22-1 in 310 CMR 22.22 for the recommended backflow protection for irrigation systems.
- c) Each backflow prevention device shall be installed in accordance with 310 CMR 22.22 and the manufacturer's instructions. Each device shall be tested upon its installation and annually thereafter. A Massachusetts Certified Backflow Device Tester shall perform all testing. Copies of results of all testing shall be filed with the Department of Public Works.

(Passed at the October 18, 2010 Fall Town Meeting. Approved by the Attorney General on February 8, 2011.)

Section 41: Except in case of an emergency, Use of an engine braking system is prohibited in the Town of Athol on all motor vehicles except fire trucks and any emergency vehicle. Any violation shall be punishable by a fine of \$250. Signs are to be posted at all entry roads into Town of Athol and worded: "Attention Truckers, Use of Engine Brakes in Town Limits Prohibited. Punishable by Fine.

(Adopted at the October 17, 2022 Fall Town Meeting. Approved by the Attorney General on January 23, 2023.)

Section 42. **Tree By-Law**

Section 1. Purpose.

To enhance the quality of life and the present and future health, safety, and welfare of all residents, to enhance property values, and to ensure proper planting and care of trees on public property, the Board of Selectmen herein delegate the authority and responsibility for managing public trees, establishes practices governing the planting and care of trees on public property.

Section 2. Definitions.

As used in this Article, the following words and phrases shall have the meanings indicated:

Damage – any injury to or destruction of a tree, including but not limited to: uprooting; severance of all or part of the root system or main trunk; storage of material on or compaction of surrounding soil; a substantial change in the natural grade above a root system or around a trunk; surrounding the tree with impervious paving materials; or any trauma caused by accident or collision.

Nuisance – any tree, or limb thereof, that has an infectious disease or insect; is dead or dying, obstructs the view of traffic signs or the free passage of

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pedestrians or vehicles; or threatens public health, safety, and welfare.

Green area – the area along a public street between the curb and the sidewalk; or if there is no curb or sidewalk, the unpaved portion of the area between the street right-of-way line and the paved portion of the street or alley.

Public property – all grounds and rights-of-way (ROWS) owned or maintained by the Town of Athol

Public tree – any tree or woody vegetation over 1.5” DBH (diameter at breast height) on town-owned or town-maintained property or rights-of-way.

Top or Topping – the non-standard practice of cutting back of limbs to stubs within a tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree.

Section 3. Authority and power.

- (a) **Delegation of authority and responsibility.** The Tree Warden and/or their designee, hereinafter referred to as the “Tree Warden”, shall have full authority and responsibility to plant, prune, maintain and remove trees and woody plants growing in or upon all municipal street, rights-of-ways, town parks, and other public property.
- (b) **Coordination among Town departments.** All town departments will coordinate as necessary with the Tree Warden and will provide services as required to ensure compliance with this By-Law as it relates to streets, alleys, rights-of-way, drainage, easements, and other public properties not under direct jurisdiction of the Tree Warden
- (c) **Interference.** No person shall hinder, prevent, delay, or interfere with the Tree Warden or their agents while engaged in carrying out the execution or enforcement of this by-law.

Passed by a majority vote.

(Adopted at the October 17, 2022 Fall Town Meeting. Approved by the Attorney General on January 23, 2023.)

Chapter VI: JUNK, SECONDHAND, ANTIQUE DEALERS AND COLLECTORS

Section 1. The Selectmen may license suitable persons to be collectors of, or dealers in and keepers of shops for the purchase, sale or barter of junk, old metals, secondhand, or antique articles and may make such additional rules, regulations and restrictions as they deem proper, not inconsistent with the provisions of law or of these bylaws.

Section 2. Every keeper of such a shop shall put up and maintain in a suitable and conspicuous place in his shop a sign having his name and occupation legibly inscribed thereon in large letters.

Section 3. Every shop for the sale, purchase or barter of junk, old metals, secondhand, or antique articles, shall be closed between the hours of 8:00 PM and 7:00 AM and no keeper thereof and no junk collector shall purchase any of such articles between said hours.

Chapter VI: JUNK, SECONDHAND, ANTIQUE DEALERS AND COLLECTORS

Section 4. Such shops and any place, vehicle or receptacle used for the collecting or keeping of such articles and all articles of merchandise therein, may be examined at all times by the Selectmen or by any Police Officer of this town, or by any other person authorized thereto by the Selectmen.

Section 5. Every keeper of a shop for the purchase, sale or barter of junk, old metals, secondhand, or antique articles shall keep a book in which shall be written at the time of each purchase a description thereof, the name, age and residence of the person from whom and the day and hour when such purchases were made, and such book shall, at all times, be open to the inspection of the Selectmen or of any person by them or by law authorized to make such inspection. (*Amendment effective September 28, 1990*)

Section 6. No keeper of such a shop and no collector of junk shall directly or indirectly, purchase or receive by way of barter or exchange, from a minor, any of the articles mentioned in Section 1.

Chapter VII: MISCELLANEOUS LICENSES AND FEES

Section 1. There shall be paid by the licensee to the Town Clerk for recording each license granted by the Selectmen for the keeping, storage, manufacture or sale of gunpowder, dynamite, crude, petroleum or any of its products, explosives and inflammable liquids and other explosives, a fee of ten dollars; and for registration of such license annually with the Town Clerk as required by law, a fee of five dollars. (*Amendment effective April 23, 1991*)

Section 2. There shall be charged the following license fees, except that for any license named in this section which will expire within six months of the date it is issued the Selectmen may set a fee proportionate to the length of time it is to run but not less than the minimum fee set by law.

(a) For a junk collector and/or dealer and keeper of a shop for the sale or barter of junk and old metals under Chapter VI.....\$25.00

(b) For a dealer in and keeper of a shop for the sale or barter of secondhand articles or antiques, under Chapter VI.....\$10.00

(*Amendment effective September 28, 1990*)

(c) For keeping a billiard, pool or sippio room or tables and bowling alleys, the minimum fee provided by law and, in addition, for each table or alley.....1st \$10.00 add \$5.00

(d) For keeping a roller skating rink.....\$12.00

Section 3. The Selectmen may license suitable persons to carry on the business of pawnbrokers, subject to the laws relating thereto and to regulations which are required by said laws to be established. (*Adopted by amendment, effective June 23, 1952*)

Section 4. The Selectmen may license suitable persons to operate carriages or other vehicles for hire; may make suitable regulations for their operation; and may charge such fee for such license as may be established by law. (*Adopted by amendment, effective May 15, 1963*)

Section 5. False Alarm Bylaw - Fire Department

5.1 Definitions: For the purpose of this bylaw, the following definitions shall apply:

Chapter VII: MISCELLANEOUS LICENSES AND FEES

Alarm Device - Any device which when activated by a criminal act, fire or other emergency calling for Fire Department Response:

- (a) Transmits a signal to Fire Department headquarters;
- (b) Transmits a signal to a person who relays information to Police or Fire headquarters; or
- (c) Produces an audible or visible signal to which the Fire Department is expected to respond. Excluded from this definition and the scope of this bylaw are devices which are designed to alert or signal only persons within the premises in which the device is installed and devices which are activated by the release of water from a sprinkler system.

Alarm User - The owner of any premises on which an alarm device is used; provided that an occupant who expressly accepts responsibility for an alarm device by registration pursuant to Section 5.2 shall be deemed the alarm user.

Automatic Dial Alarm - A telephone device or attachment that mechanically or electronically selects a telephone line to Fire headquarters and reproduces a prerecorded voice message to report a fire or other emergency calling for Fire Department response. Excluded from this definition are devices which relay a digital coded signal to Fire headquarters.

Contractor - Any firm or corporation in the business of supplying and installing alarm devices or servicing the same.

False Alarm -

- (a) An alarm raised without genuine cause;
- (b) An alarm transmitted to the Fire Department that DOES NOT require the saving of a human life, extinguishment of a fire, control of hazardous situations, service, rescue, salvage or other related duties; or
- (c) An automated device that transmits an alarm without genuine cause due to said device's malfunction.

5.2 (Reserved for future use)

5.3 (Reserved for future use)

5.4 Registration Procedure:

5.4.1 Alarm device registration shall be accomplished by contacting the Athol Fire Department, Fire Prevention Division, PRIOR to the initial startup of the construction or renovation project.

Responsible party shall complete a form provided by the Administrator to include such information concerning the identity of the prospective alarm user, the identity of the alarm user's contractor, if any, may be required. The Administrator shall issue the alarm user written acknowledgement of proper registration. There shall be NO FEE for the registration of any fire alarm system.

5.4.2 It shall be the responsibility of each alarm user to notify the Fire Department in writing of changes in registration information.

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5.5 (Reserved for future use)

5.6 Automatic Dial Alarm - Interconnection to Fire Department:

5.6.1 No automatic dial alarm may be installed after the effective date of this bylaw without the prior approval of the Fire Department.

5.7 (Reserved for future use)

5.8 False Alarm Charges:

5.8.1 When the Chief of the Fire Department determines that the Fire Department has responded to a false alarm, he shall impose a charge on the responsible alarm user according to the following schedule:

1st False alarm in any one year - no charge

2nd False alarm in any one year - no charge

3rd False alarm in any one year - no charge

4th False alarm in any one year - \$25.00 fee imposed

4th and subsequent such alarms - \$25.00

5.9 Notification and Appeal:

5.9.1. False Alarm Charges:

(a) The Fire Chief shall notify the responsible alarm user of any false alarms charged by mail, within fifteen (15) days after receiving such notice, the alarm user may file with the Fire Chief an appeal in writing showing that the alarm was not false within the meaning of this bylaw.

(b) The Fire Chief shall consider such information, reaffirm or rescind the false alarm charge and notify the alarm user of his decision by mail. Within fifteen (15) days after mailing of such notice, the alarm user may file with the Selectmen an appeal in writing.

5.9.2 Appeal to the Alarm Appeal Board:

Upon receipt of a timely appeal from a false alarm charge, the Selectmen shall hold a hearing to consider it and shall mail notice of the time and place of said hearing to the alarm user taking the appeal at his last known address at least fifteen (15) days before the hearing. On the basis of information provided by the alarm user and other information introduced at the hearing, the

Board shall affirm the charge if it finds that the charge was properly imposed or rescind the charge if the charge was not properly imposed.

5.9.3 Notice to Include Instructions:

Each notice of a false alarm charge of the reaffirmation of such a charge by the Fire Chief shall refer to and provide instruction concerning the alarm user's right to further recourse by filing information with the Fire Chief or an appeal with the Selectmen, as the case may be.

5.10 Charges and Fees Paid into General Fund:

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The Athol Fire Department shall act as agents to collect said fees. All monies collected shall be turned over to the Town Treasurer at the end of each month for inclusion to the "Excess and Deficiency Account".

5.11 Town Assumes No Responsibility for Alarm Devices:

Notwithstanding the provisions of this bylaw, the Town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm device or of the alarm monitoring facilities at Fire headquarters. No liability whatsoever is assumed for the failure of such alarm devices or monitoring facilities or for failure to respond to alarms or for any other act or omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents and employees from liability in connection with the alarm user's alarm device.

5.12 Enforcement of this Bylaw:

The Town, upon authorization by the Selectmen, may institute civil proceedings to enforce the provision of this bylaw.

5.13 Exceptions:

The provisions of this bylaw shall not apply to alarm devices on premises owned or controlled by the Town, nor to alarm devices installed in a motor vehicle.

5.14 Severability:

The invalidity of any part or parts of this bylaw shall not affect the validity of the remaining parts. (Approved by the Attorney General on June 15, 1989)

Section 6. False Alarm Bylaw - Police Department

6.1 Definitions: For the purpose of this bylaw, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Alarm Device - Means an assembly of equipment and devices or a single device such as solid state unit which plugs directly into a 110 volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. In addition, any device which when activated by a criminal act calling for police response:

- (a) Transmits a signal to Police headquarters;
- (b) Transmits a signal to a person who relays information to Police headquarters; or
- (c) Produces an audible or visible signal to which the Police are expected to respond.

Excluded from this definition and the scope of this bylaw are devices which are designed to alert or signal only persons within the premises in which the device is installed.

Alarm User or User - Means any person on whose premises an alarm system is maintained within the Town. The owner of any premises on which an alarm device is used; provided that an occupant who expressly accepts responsibility for an alarm device by registration pursuant to Section 6.4 shall be deemed the alarm user.

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Excluded from this definition are:

- (a) Town, county, state and federal agencies;
- (b) Persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. However, if such an alarm system employs an audible signal or flashing light outside the premises, the user of such an alarm system shall be within the definition of "alarm user" and shall be subject to this bylaw; and
- (c) The provisions of this bylaw shall not apply to alarm devices on premises owned or controlled by the Town, nor to alarm
- (d) devices installed in a motor vehicle or trailer.

Automatic Dial Alarm - A telephone device or attachment that mechanically or electronically selects a telephone line to Police headquarters and reproduces a prerecorded voice message to report a criminal act or other emergency calling for Police response. Excluded from this definition are devices which relay a digital code signal to Police headquarters.

Contractor - Any firm or corporation in the business of supplying and installing alarm devices or servicing the same.

False Alarm - The term "False Alarm" means

- (a) The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or of his employees or agents; or
- (b) Any signal or oral communication transmitted to the Police Department requesting, or requiring, or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises or no attempted robbery or burglary at a premises. Excluded from this definition are activations of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes, lightning and similar conditions.

Police Chief - The term "Police Chief" means the Chief of Police of the Town of Athol or his designated representative.

Police or Police Department - The term "Police" or "Police Department" means the Town of Athol Police Department, or any authorized agent thereof.

Public Nuisance - For the purposes of this bylaw, the term "Public Nuisance" means anything which annoys, injures or endangers the comfort, repose, health or safety of any person(s) or of any community or neighborhood.

Town - The word "Town" means the Town of Athol.

Alarm Appeal Board - The Board of Selectmen shall be designated as the Alarm Appeal Board. The Chairman of the Board of Selectmen shall be the Chairman of the Alarm Appeal Board.

6.2 Administrative Rules:

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6.2.1 The Chief of Police may promulgate such rules as may be necessary for the implementation of this bylaw.

6.3 Registration Required:

6.3.1 Each alarm user shall register his alarm device or devices with the Chief of Police prior to use; provided that alarm devices in use as of the effective date of this bylaw may be registered no later than sixty (60) days from such date.

6.3.2 Anyone who fails to register an alarm within sixty (60) days may be penalized with a fine of \$50.00.

6.4 Registration Procedure:

6.4.1 Every alarm user shall register by means of filling out a form provided by the Chief of Police listing the names, addresses and telephone numbers of the users, installer or contractor and at least two (2) other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed. The list of the names, addresses and telephone numbers of the responders must be kept current at all times by the alarm user and shall be updated immediately. The Chief of Police shall issue the alarm user written acknowledgment of proper registration.

6.4.2 There shall be a one time registration fee of \$25.00 payable at the time of registration and such funds shall be added to the Town's General Fund.

6.5 Confidential Information:

6.5.1 All information in the possession of the Chief of Police concerning particular alarm users and particular alarm devices shall be confidential and shall not be divulged without the written consent of the alarm user or users concerned.

6.6 Audible Bell or Horn:

6.6.1 All alarm systems which use an audible bell or horn shall be equipped with an automatic shut off device which will deactivate the alarm system within ten (10) minutes. All alarm users with an audible bell or horn must comply with this section within ninety (90) days of the adoption of this bylaw.

Any alarm system which fails to comply with the above paragraph and emits a continuous and uninterrupted signal for more than thirty (30) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those whose persons designated by him under the above paragraph of this section, and which disturbs the peace, comfort or repose of a community or a neighborhood of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor to contact the alarm user, or members of the alarm user's family or those persons designated by the alarm user under paragraph 6.4.1 of this section in an effort to abate the nuisance. The Police Chief shall record the time each complaint was made.

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6.6.3 In the event that the Police Chief is unable to contact the alarm user or member of the alarm user's family or those persons designated by the alarm user under paragraph 6.4.1 of this section or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system and if the Police Chief is otherwise unable to abate the nuisance, he may direct a police officer or firefighter or a qualified alarm technician to enter upon the property outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.

6.6.4 After an entry upon property has been made in accordance with this section and the nuisance abated, the Police Chief shall have the property secured, if necessary. The reasonable costs and expense of abating a nuisance in accordance with this section may be assessed to the alarm user, said assessment not to exceed \$50.00. These funds shall be deposited in the Town's General Fund.

6.7 Testing of Equipment:

6.7.1 No alarm system designed to transmit emergency messages directly to the Police Department shall be worked on, tested or demonstrated without obtaining permission from the Police Department Communications Section. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the Police Department. An unauthorized test constitutes a false alarm.

6.8 Automatic Dial Alarm Interconnection to Police Headquarters:

6.8.1 No automatic dial alarm may be installed after the effective date of this bylaw without the prior approval of the Chief of Police.

6.8.2 The automatic dial alarm shall be regulated so as not to repeat the message more than two (2) times.

6.9 False Alarm Charges:

When the Chief of Police determines that the Police Department has responded to a false alarm, he shall impose a charge on the responsible alarm users according to the following schedule:

(a) The twelve (12) month period shall begin with the date of registration and extend until the date of renewal. Each renewal date will be one (1) year from date of registration.

Example: Registration of alarm is January 1, 1989. One (1) year would extend until January 1, 1990. (Amendment effective October 1, 1992)

(b) This charge shall be payable within twenty-one (21) days from the date of the notice. Failure to pay shall resort in the institution of civil proceedings for failure to obey the terms of this bylaw.

6.10 Notification and Appeal:

6.10.1 False Alarm Charges:

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(a) The Police Chief shall notify the responsible alarm user of any false alarm charges by mail. Within fourteen (14) days after the mailing of such notice, the alarm user may file written notice with the Chief of Police to include information to show that the alarm was not a false alarm within the meaning of this bylaw.

(b) The Chief of Police shall consider such information, reaffirm or rescind the false alarm charge, and notify the alarm user of his decision by mail. Each notice of a false alarm charge or the reaffirmation of such a charge by the Chief of Police to the alarm user shall refer to and provide instructions concerning the alarm user's right to further recourse by filing an appeal with the Appeal Board.

(c) Within fourteen (14) days after mailing of such notice, the alarm user may file with the Board of Selectmen, herein after referred to as the Alarm Appeal Board, an appeal in writing.

6.11 Appeal to the Alarm Appeal Board:

6.11.1 Upon receipt of a timely appeal from a false alarm charge, the Alarm Appeal Board shall hold a hearing to consider it and shall mail notice of the time and place of said hearing to the alarm user making the appeal at his last known address at least fourteen (14) days before the hearing.

6.11.2 On the basis of information provided by the alarm user and other information introduced at the hearing, the Board shall affirm the charge if it finds that the charge was properly imposed or rescind the charge if the charge was not properly imposed.

6.11.3 If the Board finds that the charge was properly assessed, the charge shall be paid immediately.

6.12 Charges and Fees Paid into General Fund:

6.12.1 Charges for false alarms will be collected by the Town Treasurer and deposited in the Town's General Fund.

6.13 Town Assumes No Responsibility for Alarm Devices:

6.13.1 Notwithstanding the provisions of this bylaw, the Town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm device or of the alarm monitoring facilities at Police headquarters.

6.13.2 No liability whatsoever is assumed for the failure of such alarm devices or monitoring facilities or for failure to respond to alarms or for any other act or omission in connection with such alarm device.

6.13.3 Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents and employees from liability in connection with the alarm user's alarm device.

6.14 Enforcement of this Bylaw:

Chapter VII: MISCELLANEOUS LICENSES AND FEES

6.14.1 The Town, upon authorization by the Selectmen may institute civil proceedings to enforce the provisions of this bylaw.

6.15 Severability:

6.15.1 The invalidity of any part or parts of this bylaw shall not affect the validity of the remaining parts. *(Approved by the Attorney General on June 15, 1989) (Amendment approved by the Attorney General on December 18, 1989)*

Section 7. Town Clerk's Fee Schedule (All fees deposited into the Town Treasury)

#	Description	Fee
(1)	For filing and indexing assignment for the benefits of creditors	\$10.00
(11)	For entering amendment of a record of the birth of a child born out of wedlock subsequently legitimized	\$10.00
(12)	For correcting errors in a record of birth	\$10.00
(13)	For furnishing a certificate of birth	\$10.00
(13A)	For furnishing an abstract copy of a record of birth	\$5.00
(14)	For entering delayed record of birth	\$10.00
(20)	For filing certificate of a person conducting business under any title other than his real name	\$40.00
(21)	For filing by a person conducting business under any title other than his real name of a statement of change of his residence, or of his discontinuance, retirement or withdrawal From, or change of location, of such business	\$20.00
(22)	For furnishing certified copy of certificate of Person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business	\$10.00

(24)	For recording the name and address, the date and number of the certificate issued to a Person registered for the practice of podiatry in the Commonwealth	\$50.00
(29)	For correcting errors in a record of death	\$10.00
(30)	For furnishing a certificate of death	\$10.00
(30A)	For furnishing an abstract copy of a record of death	
(42)	For entering notice of intention of marriage and issuing certificates thereof	\$25.00
(43)	For entering certificate of marriage filed by persons married out of the Commonwealth	\$10.00
(44)	For issuing certificate of marriage	\$10.00
(44A)	For furnishing an abstract copy of a record of marriage	Obsolete
(45)	For correcting errors in a record of marriage	\$10.00
(54)	For recording power of attorney	\$10.00
(57)	For recording certificate of registration to a Person to engage in the practice of optometry, or issuing a certified copy thereof	\$50.00
(58)	For recording the name of the owner of a certificate of registration as a physician or an osteopath in the Commonwealth	\$50.00
(62)	For recording order granting locations of poles, piers, abutments or conduits alterations or transfers thereof, and increase streets in number of wires and cable or attachments under the provisions of Sec. 22 Chapter 166	\$50.00 flat rate \$10.00 add'l
(66)	For examining records or papers relating to birth, marriage or deaths upon the application	\$10.00

of any person, the actual expense thereof,
the actual expense thereof, but not less than

- | | | |
|------|--|---|
| (67) | For copying any manuscript or record
pertaining to a birth, marriage or death | \$10.00 per page |
| (69) | For receiving and filing a complete inventory
of all items to be included in a "closing out
Sale", etc. | \$10.00 1st page
\$2.00 add'l page |
| (75) | For filing a copy of written instrument or
declaration of trust by trustees of an
association or trust, or any amendment
Thereof as provided by Sec. 2, Chapter 182 | \$20.00 |
| (78) | For recording deed of lot or plot in a public
place of cemetery | \$10.00 |
| (79) | Recording any other documents | \$10.00 1 st page
\$2.00 add'l page |

(Amended at the October 16, 2006 Fall Town Meeting. Approved by the Attorney General on February 13, 2007.)

Section 8. Reserved for future use.

Section 9. Fire Inspector's Fee Schedule:

Oil Burners		\$25.00
L.P. Gas Storage		\$25.00
Oxygen Acetylene		\$25.00
Blasting		\$25.00
Display of Fireworks		\$25.00
Smoke/Carbon Monoxide	1 st Dwelling Unit	\$25.00
Detector Compliance:		
	each add'l Unit	\$10.00
Underground Storage (registration)		\$25.00
Storage of Flammable, Fluids, Solids or Gases		\$25.00
Supervised Cannon Firing		\$25.00
Tar Kettles		\$25.00
Flammable Decorations		\$25.00
Black Powder		\$25.00
(Persons age 62 and older, meeting requirements of MGL/CMR, fee waived)		
Tank Truck Inspections		\$25.00
Fire Report Copies		\$10.00
Underground Storage Tank Installation		\$200.00
Underground Storage Tank Removal		\$100.00

Storage Tank Removal (above ground)	\$25.00
General Permit	\$25.00
Re-inspection (all others)	\$10.00

(Amended at the October 16, 2006 Fall Town Meeting. Approved by the Attorney General on February 13, 2007.)

SECTION 10. LICENSES AND PERMITS OF DELINQUENT TAXPAYERS

a) The Tax Collector or other Town Official responsible for records of all town taxes, assessments, betterments, and other town charges, hereinafter referred to as the tax collector, shall annually furnish to each department, Board, Commission or Division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the Party, that has neglected or refused to pay any Town Taxes, fees, assessments, betterments, or other Town 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.

b) The Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any whose name appears on said list furnished to the Licensing Authority from the Tax Collector, or with respect to any activity, event or other matter which is the subject of a such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected to pay any local taxes, fees, assessments, betterments or other municipal charges provided, however, that written notice is given to the Party and the Tax Collector, as required by applicable provisions of the law, and the Party is given a hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any Party. The Tax Collector shall have the right to intervene in any

hearing conducted with respect to such licensing denial, revocation or suspension. Any findings made by the Licensing Authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceedings and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation, or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the Licensing Authority receives a certificate issued by the Tax Collector that the Party is in good standing with respect to any and all Town taxes, fees, assessments, betterments or other Town charges, payable to the Town as the date of issuance of said certificate.

c) any party shall be given the opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement.

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

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

This bylaw shall not apply to the following licenses and permits: open burning, Section 13 of Chapter 48; bicycle permits, Section 11A of Chapter 85; sales of articles for charitable purposes, Section 33 of Chapter 101; children work permits, Section 69 of Chapter 149; clubs, associations dispensing food or beverage licenses, Section 21E of Chapter 140; dog licenses, Section 137 of Chapter 140; fishing hunting, trapping licenses, Section 12 of Chapter 131; marriage licenses, Section 28 of Chapter 207; theatrical events, public exhibition permits, Section 181 of Chapter 140. Sections and Chapters refer to the General Laws of the Commonwealth. *(Adopted at the June 13, 2011 Annual Town Meeting. Approved by the Attorney General on September 26, 2011.)*

11.Civil Fingerprinting

11.1. Criminal History Check Authorization

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

11.1.1.1. Hawking and Peddling or other Door-to-Door Salespeople

11.1.1.2. Manager of Alcoholic Beverage License

11.1.1.3. Owner or Operator of Public Conveyance

11.1.1.4. Dealer of Second-hand Articles

11.1.1.5. Pawn Dealers

11.1.1.6. Hackney Drivers

11.1.1.7. Ice Cream Truck Vendors

11.1.1.8. Applicant of Adult Entertainment License

11.1.1.9. Applicant of a registered Marijuana Dispensary

11.1.2. At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's criminal history records.

11.1.3. The Police Chief shall periodically check with the Executive Office of Public Safety and Security ("EOPSS") which has issued an Informational Bulletin which explains the requirements for town by-laws and the procedures for obtaining

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criminal history information, to see if there have been any updates to be sure the Town remains in compliance.

- 11.1.4. Upon receipt of the fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services (DCJIS), and/or the Federal Bureau of Investigation (FBI) or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in this by-law.
- 11.1.5. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI), and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including FBI records, consistent with this by-law.
- 11.1.6. The Town authorizes the Athol Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law.
- 11.1.7. The State and FBI criminal history will not be disseminated to unauthorized entities.
- 11.1.8. Upon receipt of a report from the FBI or other appropriate criminal justice agency, a record subject may request and receive a copy of his/her criminal history record from the Police Department. Should the record subject seek to amend or correct his/her record, he/she must take appropriate action to correct said record, which action currently includes contacting the Massachusetts Department of Criminal Justice Information Services (DCJIS) for a state record or the FBI for records from other jurisdictions maintained in its file. An applicant that wants to challenge the accuracy or completeness of the record shall be advised that the procedures to change, correct, or update the record are set forth in Title 28 CFR 16.34. The Police Department shall not utilize and/or transmit the results of the fingerprint-based criminal record background check to any licensing authority pursuant to this by-law until it has taken the steps detailed in this paragraph. Municipal officials should not deny an applicant the license based on information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.
- 11.1.9. The Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town as listed. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

Chapter VII: MISCELLANEOUS LICENSES AND FEES

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

11.2. Use of Criminal Record by Licensing Authorities

- 11.2.1. Licensing authorities of the Town of Athol shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this by-law.
- 11.2.2. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity.
- 11.2.3. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.
- 11.2.4. The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law.

11.3. Fees

- 11.3.1. The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be sixty dollars (\$60). The Town Treasurer shall periodically consult with Town Counsel and the Department of Revenue, Division of Local Services regarding the proper municipal accounting of those fees.
- 11.3.2. A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town to be expended by the Police Department to help offset costs associated with the administration of the fingerprinting system, subject to Town Meeting appropriation or deposited in a revolving account.

11.4. Effective Date

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11.4.1. This by-law shall take effect upon approval by the Attorney General, so long as the requirements of G.L. c. 40 sec. 32 are satisfied. *(Adopted at the October 21, 2013 Fall Town Meeting. Approved by the Attorney General on February 10, 2014.)*

Chapter VIII: CARE AND USE OF CEMETERIES

Section 1. The names of the public cemeteries of the Town of Athol shall be as follows:

Silver Lake Cemetery - Silver Lake Street
Highland Cemetery - Hillside Terrace, Off Main Street
Mt. Pleasant Cemetery - Mt. Pleasant Street & No. Orange Road
Chestnut Hill Cemetery - Royalston Road
First Settlers Cemetery - Hapgood Street
Old Pleasant Street Cemetery - Rear 96 Pleasant Street
Ellinwood Cemetery - Doe Valley Road & Ellinwood Road
New Sherborn Cemetery - Adams Road
Gage Farm Cemetery - Conant Road

Section 2. Management of Cemeteries

(a) The sole care, superintendence and management of all public burial grounds shall be in the hands of the Department of Public Works.

Power and Duties

Section 3. The Department of Public Works may lay out any existing burial grounds or any land purchased and set apart by the town for cemeteries, in lots or other suitable subdivisions, with proper paths and avenues, may plant, embellish, ornament and fence the same and do such other things in relation to the care and use of such public burial grounds as are not inconsistent with the provisions of the general laws and these bylaws. It shall annually make a written report to the town of its official acts and of the condition of the cemeteries and render an account of its receipts and expenditures for the same and of the funds subject to its order.

Section 4. Gifts, Bequests and Perpetual Care Funds

(a) The Town of Athol may receive gifts and bequests subject to acceptance by vote of the town for maintaining the cemeteries and cemetery lots and may determine the amount to be deposited in trust for perpetual care by the purchaser of any lot, which amounts need not be uniform for all cemeteries or portions thereof and which shall be paid into the town treasury and with the accounts thereof shall be kept separate from all other moneys and accounts of the town.

(b) The Town Treasurer shall invest all such funds in accordance with the stipulations if any accompanying them, otherwise he shall invest them as ordered by the Selectmen and in accordance with the laws pertaining to the investment of trust funds and shall pay all income therefrom upon their order or with their approval but no payment from such income shall be made except for the purpose of providing care for the cemeteries or the lots contained therein and in accordance with the terms of the bequests, gifts or deposits hereinbefore mentioned.

Chapter VIII: CARE AND USE OF CEMETERIES

(c) Any gifts or bequests received by the Town of Athol for any purpose other than the perpetual care of cemetery lots shall be paid into the town treasury and together with the accounts thereof shall be kept separate from all other trust funds or other moneys in the treasury of the town and the income therefrom shall be used only for the purposes stipulated by the persons making such gifts or bequests.

Limitation of Debts Incurred

Section 5. The Department of Public Works shall not incur debts or liabilities for purposes other than provided by these bylaws nor to an amount exceeding the amount of funds subject to their order.

Section 6. Sale of Lots

(a) The Department of Public Works may, by deed made and executed in such manner and form as it may prescribe, convey to any person the sole and exclusive right of burial in any lot in the cemeteries and of erecting tombs, cenotaphs and other monuments or structures thereon, upon such terms and conditions as it may, under these bylaws, prescribe. Such deeds and all subsequent deeds of such lots made by the owners thereof shall be recorded as required by law in suitable books of record which shall be open to the public at all reasonable times. The proceeds of sales of lots or rights of burial in the cemeteries shall be paid into the town treasury and be appropriated to reimburse the town for the cost of the land, its care, improvement and embellishment or the enlargement of the cemeteries.

(b) The joint purchase of lots shall only be allowed in the discretion of the Department of Public Works.

(c) Lots for single burials may be sold only from sections reserved for that purpose. The Department of Public Works may in its discretion refuse to permit a choice of lots in such sections but instead may dispose of them in a predetermined order.

(d) When possession of a lot shall have passed to another or other persons through operation of the law governing inheritance of cemetery lots, there shall be recorded in the record of deed of such lot the names of such other person or persons, when known, and when there are two or more such persons, also the name of the one chosen as provided by law to represent the lot.

(e) Prices of lots shall be as set by the Department of Public Works and no deed shall be delivered until the lot or lots to be deeded have been fully paid for.

(f) Except at the discretion of the Board of Selectmen, no interment shall be made in any lot until a sum equal to the price of said lot plus any sum required to be deposited in trust for the perpetual care thereof, divided by the number of allowable interments therein, shall have been paid to the Department of Public Works by the purchaser thereof, plus any sum which may be due because of previous interments, calculated on the basis hereinbefore established, provided that if there is no person known to the Department of Public Works from which such payment may be demanded and/or is legally liable for such payment as a part of the burial expense of the deceased, and in cases of indigency, extreme hardship or emergency the Department of Public Works may waive the provisions of this section.

(g) If the purchaser of a lot fails to make payment therefore in accordance with the terms of the agreement for sale, or if there be no agreement, after one year from the purchase date thereof, the Department of Public Works may request the Selectmen to institute proceedings against the purchaser of such lot for the recovery of any sum that may be due thereon. The Selectmen are

Chapter VIII: CARE AND USE OF CEMETERIES

hereby authorized to so proceed but nothing in this section shall be so construed as to prevent the Selectmen upon request of the Department of Public Works from proceeding to collect any sum that may be due on account of the purchase of a lot prior to the adoption of these bylaws.

Receiving Tomb

Section 7. The receiving tomb shall be for the free use of the residents of Athol and owners of lots in the town cemeteries. When used by others a fee shall be charged of such amount as may be determined by the Department of Public Works and the Department of Public Works may also regulate the length of time a body may remain in the tomb.

Monuments, Headstones and Grave Markers

Section 8. Headstones shall be erected only in sections of the cemeteries designated by the Department of Public Works but a marker flush with the ground may be placed on any grave.

No more than one monument shall be allowed upon a lot except by express permission of the Department of Public Works and no other object shall be erected on any cemetery lot except by such permission. Any stone covering a base of over 20" in width shall be considered a monument. No monument, headstone or grave marker shall be erected except upon a proper cement foundation, the dimensions of which shall be specified by the Department of Public Works. No monument shall be permitted in a single grave section but only flush markers may be used. The erection of monuments, markers or headstones on lots not paid for or against which any charge remains unpaid is hereby prohibited.

Certain Practices Regulated or Prohibited

Section 9. No lot or grave shall be defined as to the corners or boundaries by fences, railings, hedges, trees or shrubs. The lots shall be graded only as determined by the Department of Public Works and no mound or raised grave shall be permitted in any part of the cemeteries. No trees or shrubs shall be planted, cut down, removed or trimmed except with the permission and under the direction of the Department of Public Works. All workmen in any capacity within the confines of the cemeteries shall be subject to the direction and control of the Department of Public Works.

Interments

Section 10. Except at the discretion of the Board of Selectmen, no interment shall be made in any cemetery lot until a written authorization therefore has been received by the Superintendent from the heirs or next of kin of the deceased or from a public officer charged with the care of indigent persons or from the legal guardian of the deceased or the trustee, conservator, administrator or executor of his or her estate or from some person authorized in writing by the deceased, during his lifetime, to make such interment.

Chapter VIII: CARE AND USE OF CEMETERIES

Charges and Payments

Section 11. The Board of Selectmen may establish prices for opening and closing and sodding graves and for all work on lots. All money received shall be paid by the Board into the town treasury.

Section 12. Enforcement of Rules and Regulations

The Board of Selectmen shall establish all rules and regulations for use of all cemeteries to include hours of operation, access and parking restriction, motorized and unmotorized vehicles as well as any other rules for care and use of town cemeteries.

Any person found in violation of any rule or regulation of the Board of Selectmen shall be subject to a fine of not more than fifty (\$50.00) dollars for each violation under this bylaw.

The Athol Police Department shall have jurisdiction to enforce the provisions of the rules and regulations for use of cemeteries as adopted by the Board of Selectmen.

Chapter X: DOG BYLAWS

These by-laws are intended to guide those persons owning or keeping dogs within the Town of Athol in their role as responsible pet owners. Although it is hoped these regulations will act as an educational tool, it must be understood that the enforcement of these by-laws is necessary to protect the rights and safety of the public.

Chapter 10 DOGS

Section 1 REFERENCE TO MASSACHUSETTS GENERAL LAWS

Any reference to a "Section" in this by-law shall mean Chapter 140 of the Massachusetts General Laws, unless otherwise stated.

Section 2 DEFINITIONS

Unless otherwise set in out in this by-law, any term defined in Chapter 140, Section 136A, Massachusetts General Laws, shall have the same meaning in this by-law, and shall be expressly incorporated herein.

DOGS - Shall mean all animals of canine species, both male and female.

OWNER – Shall mean any person or persons, firm association or corporation owning, keeping, or harboring a dog owned or kept in Town.

ANIMAL SHELTER – Any premises designated for the purpose of impounding and caring for animals held under authority of this by-law.

AT LARGE - At Large shall mean on or off the premises of the owner, and not under the control of the owner or authorized escort either by leash, cord, chain, or otherwise. A single premises, irrespective of the purpose for which they are maintained.

Chapter X: DOG BYLAWS

LICENSING PERIOD – The renewal period shall be from January 1 to the last day in February of each year. The dog license shall be valid from March 1 to the last day in February of the following year. *Amended at the May 2, 2005 Annual Town Meeting. Approved by the Attorney General on May 27, 2005.*

Section 3 LEASHING AND RESTRAINING

Any person owning, keeping, or being responsible for a dog shall not allow nor permit said dog to run at large on any of the streets or public places in the Town of Athol or upon any private property, unless the owner or lawful occupant of such property grants permission.

No dog shall be allowed or permitted in any public place or street within the Town unless it is effectively restrained and controlled by a chain, or other form of leash that is sufficient to hold the dog; or unless it is under immediate and effective voice control of handler; or unless it is within and confined to a motor vehicle.

Section 4 BARKING DOGS

No person owning, keeping, or otherwise responsible for a dog, shall allow or permit said dog to annoy another person's reasonable right to peace or privacy by continuous noise and/or barking, where such noise is plainly audible at a distance of one hundred fifty (150) feet or less from any building, premises, vehicle, or conveyance housing said dog. Noise/barking in excess of ten (10) minutes shall be prima-facie evidence of a violation. *(Amended at the October 16, 2006 Fall Town Meeting. Approved by the Attorney General on February 13, 2007.)*

Section 5 VIOLATIONS AND PENALTIES

Any person who violates the provisions of Section 3 or 4 may be held liable for payment of the following fines: Twenty-five (\$25.00) for the first offense, thirty dollars (\$30.00) for the second offense, and fifty dollars (\$50.00) for the third and subsequent offenses. In the case of the first offense only, the Animal Control Officer may choose to issue a written warning in place of the twenty five (\$25.00) fine. *(Amended at the October 16, 2006 Fall Town Meeting. Approved by the Attorney General on February 13, 2007.)*

Section 6 IMPOUNDING

Dogs which are impounded because the owner is unknown or are taken into custody for the safety of the dog or the protection of the public shall be released to the owner or keeper or representative of the owner or keeper upon the payment of applicable fees. At the time of the release, tickets for the applicable fines will be issued. Board for Athol dogs, which are claimed from custody at the Animal Control Facility will be \$10.00 for each twenty-four hour period.

Section 7 NOTICE TO OWNER AND TO CLAIM YOUR PET

If a dog is impounded, the Animal Control Officer shall notify the owner, if known, within twenty-four hours. The owner may then reclaim the dog by reimbursing the Town of Athol for

Chapter X: DOG BYLAWS

expenses, fines and fees for maintaining the impounded dog. Any dog claimed from the custody of Animal Control must have a current License & Rabies vaccination or be taken to a licensed veterinarian by an officer of the Animal Control Department for a Rabies vaccination prior to the release of the dog to the owner or keeper. The cost of the veterinarian's fee plus a \$10.00 "transport fee" will be the responsibility of the owner or keeper and must be paid prior to the service being rendered. A dog which by law cannot be vaccinated under Rabies exposure/incubation quarantine laws and Rabies protocol of the Commonwealth of Massachusetts shall be excluded from this requirement by reason of legal contradiction.

Section 8 DISPOSITION OF UNCLAIMED DOGS

Any dog which has been impounded and not redeemed by the owner within ten (10) days, shall be disposed of as provided by Massachusetts General Laws Chapter 140, Section 151A, and any amendment thereto. All dogs adopted from Athol Animal Control shall be vaccinated for rabies prior to release. The adoption fees for stray or unclaimed dogs regardless of sex, breed or age shall be as follows:

ADOPTION FEE	\$15.00
SPAY/NEUTER DEPOSIT	\$30.00
RABIES VACCINATION	\$13.00

Section 9 VACCINATION OF DOGS AND CATS AGAINST RABIES

The owner or keeper of a dog or cat six months of age or older, housed or sheltered in the Town of Athol shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine approved by the Mass. Department of Public Health. Unvaccinated dogs and cats acquired or moved into the Town of Athol shall be vaccinated within ninety days after the acquisition or arrival into Athol or upon reaching the age of six months, whichever last occurs. Such owner or keeper shall procure a veterinarian's certification that such animal had been so vaccinated and setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued. The tag shall be secured by the owner or keeper of such dog or cat to a collar or harness made of suitable material to be worn by the dog or cat; provided however, the owner of a cat may choose not to affix a tag to his cat, but shall have the tag AVAILABLE for inspection upon demand by the Animal Control Officers, Police Officers, or other authorized officials of the Town.

Vaccinated animals shall be re-vaccinated periodically in accordance with the rules and regulations adopted and promulgated by Mass. Department of Public Health.

Section 10 LICENSE

A person who at the commencement of a licensed period is, or who during any license period becomes the owner or keeper of a dog six (6) months old or older which is not licensed, and the owner or keeper of a dog when it becomes six (6) months old during a licensed period, shall cause it to be registered, numbered, described, and licensed until the end of such license period.

The registering, numbering, describing, and licensing of a dog shall be done in the office of the Town Clerk on a form prescribed and supplied by the Town Clerk.

Chapter X: DOG BYLAWS

Anyone who violates the provisions of section 9 or 10 may be held liable for the following fines:

FAILURE TO VACCINATE	\$50.00
FAILURE TO LICENSE	\$50.00
ENFORCING AGENTS:	Animal Control Officer, Police Dept. and/or Town Clerk

In the case of the first offense only, the enforcing agent may choose to issue a written warning in place of the prescribed fine. *(Amended at April 30, 2007 Annual Town Meeting. Approved by the Attorney General on May 30, 2007.) (Amended at the June 9, 2014 Annual Town Meeting. Approved by the Attorney General on June 27, 2014.)*

Section 11 LICENSE FEES

Male/Female dog license	\$15.00
Neutered/Spayed dog license	\$ 8.00
Kennels of 4 or less	\$40.00
Kennels of 10 dogs or less	\$50.00
Kennels of more than 10 dogs	\$60.00
Late licensing penalty	\$15.00
Transfer dog license	\$ 2.00
Duplicated dog tag	1.00

(Amended at the October 15, 2001 Fall Town Meeting. Approved by the Attorney General on January 10, 2002.)

Section 12 DISPOSAL OF ANIMAL WASTE

It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by said dog on any sidewalk, street, or other public area in the Town. It shall further be the duty of each person who owns, possesses, or controls a dog to remove and dispose of any feces left by his/her dog on any private property neither owned nor occupied by said person.

No person who owns, possesses, or controls such dog shall appear with such dog on any sidewalk, street, park, or other public area without the means of removal of any feces left by such dog. Furthermore, no person who owns, possesses, or controls such dog shall appear with such animal on any private property neither controls such a dog shall appear with such animal on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog. Disposal in Town trash barrels or bins or in storm drains is prohibited.

For the purposes of this by-law, the means of removal shall be any tool, implement or other device carried for the purpose of picking up or containing such feces.

This by-law shall not apply to a physically handicapped person in sole custody or control of a dog or to any individual using a guide dog.

Chapter X: DOG BYLAWS

The fines for violation of this by-law shall be;

FIRST OFFENSE	\$10.00
SECOND OFFENSE	\$25.00
THIRD OFFENSE	\$50.00

Section 13 NON-CRIMINAL COMPLAINT

Any person who violates the provisions of any bylaw of the Town of Athol, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in the General Laws, Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board, or department which is subject to a specific penalty; or act in relation thereto.

(Passed by a majority vote on May 17, 1999. Approved by the Attorney General on July 7, 1999.)

Chapter XI: TELEVISION CABLE BYLAW

Section 1 AUTHORIZATION AND EFFECTIVE DATE

Pursuant to the provisions of the U.S. Cable Communications Policy Act of 1984, as amended, and in compliance with Chapter 166A of the General Laws of the Commonwealth of Massachusetts, also as amended, and with all rules and regulations of the Federal Communications Commission and the Massachusetts CATV Commission, and all other applicable rules and regulation, the Town of Athol hereby enacts this bylaw for the protection of consumers of cable television service within the Town.

The intent of this Bylaw is not to replace the provisions of any cable television license in the Town of Athol, but rather to augment and supplement those provisions so as to provide cable television consumers with the maximum protection of their rights under the terms of said license.

This bylaw shall take effect as a general Bylaw of the Town as soon as all requirements are met in full after approval by town meeting vote and shall apply to any cable television license or renewal or extension thereof granted by the Town of Athol after the effective date.

Section 2 TERM OF LICENSE

Any cable television license hereafter granted or renewed or extended shall expire no later than six (6) years from the effective date of said grant, renewal or extension.

When and if requested by the Issuing Authority, the Licensee shall work cooperatively with the Issuing Authority and/or its designees to amend said License to clarify its language and provisions to the satisfaction of both the Town and the Licensee.

Chapter XI: TELEVISION CABLE BYLAW

In the event the Licensee and the Issuing Authority are unable to arrive at mutually acceptable amendment provisions, a single arbitrator acceptable to both parties, shall be appointed by the Issuing Authority. The decision of the arbitrator shall be binding by both parties. All costs of arbitration shall be borne by the Licensee.

Section 3 AREA TO BE SERVED

The Licensee shall construct the CATV system in such a way that it is capable of delivering signals and services to all homes, businesses and institutions within the Town that are served by electric power lines. There shall be an identical pattern of installation and service charges for all Subscribers.

Section 4 BASIC SERVICE REQUIREMENTS

The Licensee shall provide a basic level of service at a minimal rate to any subscriber who shall desire it, and shall publicize that level of service at least twice a year by mailing to each Subscriber receiving a higher level of service, a description of the basic level of service and a statement of the current monthly rate for basic service. The same information shall be cablecast at least once a month on the cable system's Public Access Channels.

At minimum, the basic level of service shall consist of one channel carrying the programming of each television network, including the Public Broadcast System; at least two channels carrying independent programming; at least one all-news channel; one channel regularly carrying news of Massachusetts, including State House news; one channel carrying full-time coverage of U.S. Congressional deliberations and associated governmental activities; and all local Public Access Channels.

Section 5 PAYMENTS TO THE TOWN

The annual License fee payable to the Town shall be fifty (50) cents per subscriber within the Town of Athol, or such other amount as may be authorized by the Commission or any other agency of the Commonwealth of Massachusetts or the United States. Further, the Licensee shall pay to the Town, for the purpose of producing local television programming, the difference between all other state and local payments and an amount equal to five percent (5%) of its annual gross revenues obtained from doing business in the Town of Athol, or such other payment for local programming as may be authorized by federal and/or state authorities.

Said sums shall be payable on or before the fifteenth (15th) day of March of each year, accompanied by a sworn and audited statement of the Licensee's revenues and expenses attributable to Athol for the year for which said payment is rendered.

Section 6 REIMBURSEMENTS TO THE TOWN

All charges and fees incidental to awarding, renewing, extending and/or enforcing the License, including, but not limited to, payments for bonds, security letters, letters of credit,

Chapter XI: TELEVISION CABLE BYLAW

insurance, indemnification penalties, liquidated damages and reimbursement to the Town for legal advertising, attorney's fees, consultants' fees and any other applicable expenses allowed by law, including any Town expenses associated with any appeal in which the Town prevails, shall be paid by the Licensee.

Section 7

PERFORMANCE EVALUATION SESSIONS

The Issuing Authority shall hold annual performance evaluation sessions, open to the public, during the months of the anniversaries of the effective date of this License. The purpose of said evaluation sessions shall be to review, among other things, the Licensee's compliance with the terms and conditions of the License, and to hear comments, suggestions or complaints from the public. The Issuing Authority shall have the right to question the Licensee on any aspect of the construction, operation or maintenance of the cable television system.

During the review and evaluation by the Issuing Authority, the Licensee shall fully cooperate with the Issuing Authority or its agents or designees and shall produce such documents or other materials as may be reasonably requested by the Town. In conjunction with such review and evaluation, the Issuing Authority shall have the right to initiate on its own motion in accordance with the provisions of 207 CMR 5.04, proceedings to amend the License.

The Licensee shall notify its Subscribers of all performance evaluation sessions by announcement on at least one (1) channel of its cable system as designated by the Issuing Authority, between the hours of 7:00 p.m. and 9:00 p.m., for at least five consecutive days preceding each session.

Any and all reasonable costs incurred by the Town in connection with such evaluation sessions, including, but not limited to, attorney's fees and consultants' fees, shall be reimbursed to the Town by the Licensee.

Section 8

SUBSCRIBERS' RIGHT TO PRIVACY

1. The Licensee shall maintain due vigilance with regard to possible abuse of the right of privacy of any Subscriber, programmer, or other citizen resulting from any device or signal associated with the cable system and shall take all reasonable steps necessary to prevent any such abuse and/or terminate it should it occur.

2. Neither the licensee nor any of its officers, employees or agents shall tap, monitor or arrange for the tapping or monitoring of any cable, line, signal input device or Subscriber outlet or receiver for any purpose whatsoever, other than legitimate technical testing or the monitoring of service status, without the prior written consent of all affected parties.

3. The Licensee shall ensure that all its vehicles, employees, agents and contractors are clearly identified to the public as being associated with the Licensee.

4. The Licensee shall not permit the transmission of any identifiable aural, visual, or digital signal, including "polling" the channel selection, from any Subscriber's premises without first obtaining the written consent of the Subscriber.

Further, the Licensee shall not permit, without first obtaining permission from the Subscriber, the installation of any special technical equipment in any Subscriber's premises that will permit transmission of aural, visual, or digital signals from said premises. Notwithstanding the

Chapter XI: TELEVISION CABLE BYLAW

foregoing, the transmission of signals from a Subscriber's premises for use solely in conjunction with the selection and delivery of pay-per-view programming is specifically permitted.

5. The Licensee shall provide the Issuing Authority with a written statement containing a detailed description of all types of information that will be maintained regarding both individual Subscribers and the aggregate of Subscribers. The maintenance of such information shall be subject to approval by the Issuing Authority, which approval shall not be unreasonable or arbitrarily withheld, provided that the Licensee presents sound business reasons for the need to maintain such information.

6. Any device capable of transmitting signals upstream must require some positive action by the Subscriber to initiate such transmission and must be subject to deactivation by the Subscriber. Each Subscriber must be provided with a clearly written description of the purpose of any upstream device attached to his or her television set or cable equipment, the type of information obtainable through the device, and the proposed use of that information. Additionally, the Subscriber shall be instructed in how to operate and deactivate the device.

7. In any legally substantiated case in which information about a Subscriber is released without the Subscriber's permission, the Licensee shall be assumed to be in direct violation of the Subscriber's rights and shall be liable to civil and criminal penalties, including revocation of the license.

Section 9

"MOST FAVORED COMMUNITY STATUS"

The Licensee shall offer the residents of Athol any and all cable television services and/or programming available to any other Massachusetts community with a comparable subscriber base and population served by the Licensee, other than off-the-air-signals unobtainable in Athol.

If in providing service to any surrounding uncabled communities with population densities comparable to that of Athol, the Licensee offers a lower monthly rate than that in effect in Athol at the time, the Licensee shall adjust the Town of Athol rate to be the same as the lowest rate in any such community or less.

Section 10

SEVERABILITY

If any section, paragraph, term or provision of this Bylaw is determined to be illegal, invalid or unconstitutional, by any court of competent jurisdiction or by any state or federal regulatory agency having jurisdiction thereover, such determination shall have no effect on any other section, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the license or any renewal thereof.

CHAPTER XII: STRETCH ENERGY CODE

Section 1. International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency.

CHAPTER XII: STRETCH ENERGY CODE

Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

Section 2. Purpose

The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

Section 3 Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

Section 4 Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 120 AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law. Updated 2/18/10

Section 5 Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Athol General Bylaws, Chapter VII .

The Stretch Code is enforceable by the building inspector/municipal code official.

(Adopted at the April 12, 2010 Special Town Meeting. Approved by the Attorney General on June 17, 2010.)

CHAPTER XIII: VACANT AND ABANDONED BUILDINGS

SECTION 1. PURPOSE: Unsecured, vacant and abandoned buildings present danger to the safety and welfare of public safety officers and the public and, as such, constitute a public nuisance. This section is enacted to promote the health, safety, and welfare of the public and to minimize hazards to public safety personnel inspecting or entering such buildings, and by preventing unauthorized persons from gaining entry to abandoned and vacant buildings.

SECTION 2. DEFINITIONS: The following words and phrases, when used in this section shall have the following meanings:

“Abandoned building” – (1) a vacant building, the ownership responsibilities of which have been surrendered or relinquished, whether intentionally or by failure to occupy and maintain such property; or, (2) buildings, structures and premises for which the owner cannot be identified or located by delivery of certified mail at the last known or registered address, which persistently or repeatedly becomes unprotected or unsecured or, which is or has been occupied by unauthorized persons.

CHAPTER XIII: VACANT AND ABANDONED BUILDINGS

“Building” – any combination of materials having a roof and enclosed within exterior walls or firewalls built to form a structure for the shelter of persons or property, excluding accessory structures that are incidental to the principal structure located on the same lot, such as but not limited to dog houses and storage sheds; structures used on a seasonal basis such as vacation premises or resort facilities; and structures that are temporarily vacant for owner or tenant change or for remodeling.

“Certificate of Building Closure” – certificate issued by the Commissioner to the owner of a vacant building or abandoned building upon compliance with the provisions of Section 3 herein.

“Commissioner” – The Inspector of Buildings or his or her designee.

“Director” – The Board of Health Agent or his or her designee.

“Dangerous building” – any unoccupied building that has been neglected and deteriorated; or abandoned, vacated, unused or open to weather to such an extent that it is a danger or potential danger to life or property.

“Fire Chief” – The Chief of the Athol Fire Department or his or her designee.

“Owner/person” – (1) a person, trust, partnership, corporation or other entity capable of owning legal or equitable title to real property or capable of possessing legal or equitable interest in real estate or, (2) an authorized agent of the person or entity holding legal or equitable interest to real property, including but not limited to any person specified as a “contact person” pursuant to Section 3 Paragraph 6 herein. This term shall include a mortgagee in possession.

“Unsecured building” – any vacant or abandoned building not continuously secured, maintained, locked or boarded to prevent unauthorized entry or which fails to provide protection from weather damage.

“Vacant building” - (1) any unoccupied real property which is empty or remains empty and is not continuously maintained, for twenty-one consecutive days or longer by occupants having custody or legal right of entry to said property or, (2) any building which exhibits dilapidated walls, roof or doors which will fail to prevent the entry of a trespasser.

SECTION 3. NOTIFICATION REQUIREMENTS. Any owner/person who knows or reasonably should know that a building owned by said owner/person is or will become vacant or abandoned as those terms defined herein or, any owner/person who intends to abandon or vacate a building owned or controlled by said owner/person shall forthwith:

- 1) File a Vacant & Abandoned Building Certificate Application in a form proscribed and amended from time to time by Director, Commissioner, and the Fire Chief setting forth the following: the status of such building, including in such notice, the name, address, and telephone number of the owner; the location of the building; the length of time the building has been vacant; the estimated time the building will remain vacant and, the nature of the contents of the building; and,
- 2) As may be required by the Fire Chief, file one set of space utilization floor plans for said building with the Fire Chief and one set of plans with the Commissioner; and,

CHAPTER XIII: VACANT AND ABANDONED BUILDINGS

- 3) Remove from the building to the satisfaction of the Fire Chief, hazardous material, as that term is defined in M.G.L. Chapter 21K, as that statute may be amended from time to time; and,
- 4) Secure all windows and door openings and ensure that the building is secured from all unauthorized entry continuously in accordance with the United States Fire Administration, National Arson Initiative Board-up Procedures or, provide twenty-four hour onsite security shall be provided within the building or within the complex wherein the building is located; and,
- 5) As may be required by the Fire Chief, Director, or Commissioner, post “No Trespassing” signs on the building; and,
- 6) Provide the Fire Chief, Commissioner, and Director with the name, local address, and telephone number of a responsible person who can be contacted in case of emergency. The owner shall cause the name and contact number to be marked on the front of the building as may be required by the Fire Chief or Director: and,
- 7) Maintain liability insurance on the building and furnish the Commissioner with a copy of said certificate of insurance; and,
- 8) As may be required by the Commissioner, provide a cash bond acceptable to the Commissioner, in the sum of not less than Two Thousand (\$2,000) Dollars, to secure the continued maintenance of the building throughout its vacancy and remunerate the Town of any expenses incurred in inspecting, securing, marking or making such building safe.
- 9) Payment of the appropriate Certification Fee or Certification Renewal Fee as set forth in Section 8, schedule of Fees as from time to time amended.

Upon satisfactory compliance with the above-provisions, the Commissioner shall issue a Certificate of Building Closure. Said Certificate shall be valid for period not to exceed six (6) months from the date of issuance. Said Certificate may be renewed on a continuing basis at the discretion of the Commissioner subject to continued compliance with this Bylaw and the payment of the appropriate renewal fee as set forth in Section 8: Schedule of fees as from time to time amended. Under no circumstances shall a Vacant & Abandoned Building Certificate or any extension thereof exceed six (6) months in duration from the date of issuance.

SECTION 4. SIGNS/MARKINGS. When required pursuant to this section, signs or markings shall be applied on the front of the building, and elsewhere as the Fire Chief may require, at or above the second floor level and shall not be placed over doors, windows, or other openings. All signs/markings shall be visible from street and, when requested by the Fire Chief, shall be placed on the sides and rear of the building. Signs/markings shall be a minimum of 24 inches by 24 inches, with lines of 2-inch width, and shall have a reflective background, or be painted with reflective paint, in contrasting colors. Signs/markings shall be applied directly on the surface of the building and shall state the date of positing and the most recent date of inspection by the Fire Chief and Director.

SECTION 5. FINES/FAILURE TO COMPLY AND ENFORCEMENT.

1. Failure to comply with any provision of Section 3, above shall be punished by a fine of Three Hundred (\$300) Dollars with each day of violation constituting a separate offence. The Commissioner and/or the Fire Chief shall be enforcing persons for purposes of this section.
- 2.

CHAPTER XIII: VACANT AND ABANDONED BUILDINGS

3. No owner of a vacant building or abandoned building shall allow said building to become or remain unsecured or dangerous. If it appears that any vacant or abandoned building is unsecured or dangerous, the Commissioner shall send written notification to the owner, requiring that the owner promptly secure or cause the building to be secured. If the owner fails to comply with any order issued pursuant to this Section, the Fire Chief or Commissioner may immediately seek to obtain the proceeds secured by the bond filed pursuant to Section 3 Paragraph 8 herein and shall enter upon the premises and cause the building to be inspected, secured and marked using said proceeds.

4. The Commissioner or Fire Chief, upon being informed of the existence of an abandoned building or vacant building without a Certificate of Building Closure, shall cause notice to issue to the owner of the status of said building and shall order said person to immediately obtain a Certificate of Building Closure. If any person fails to comply with said order, the Fire Chief or Commissioner may enter the premises to inspect, secure and mark the building.

5. All unsecured vacant and unsecured abandoned buildings shall be immediately referred to the Director and Commissioner for a determination relative to whether the building is a nuisance or dangerous pursuant to M.G.L. Chapter 139 and M.G.L. Chapter 143 and procedures promulgated there under.

All monies collected pursuant to this section shall be directed to a specific Inspectional Services Department enforcement fund.

SECTION 6. EXPENSES. The owner of an abandoned building or an owner of a vacant building, who fails to obtain a Certificate of Building Closure as required herein, shall be liable to the Town for expenses incurred by the Town in securing such building. The Commissioner shall provide the owner with a written statement of all costs associated with inspecting, securing, and marking the building. If the owner fails to pay or reimburse the Town within sixty (60) days of notice of expenses, the Town shall record the notice of claim in the Worcester District Registry of Deeds (or Land Court Department) forthwith, establishing a lien on the property for the balance due.

SECTION 7. NOTICES. Notices required pursuant to the section shall be served in the following manner:

1. Personally on the owner, or the lessee, or the mortgagee in possession, or the contact person specified pursuant to Section 3 Paragraph 6; or
2. Left at the last and usual place of abode of the owner, or contact person as specified pursuant to Section 3 Paragraph 6 if such place of abode is known and is within or without the commonwealth; or
3. By certified or registered mail, return receipt requested, to the owner, or the lessee, or the mortgagee or contact person specified pursuant to Section 3 Paragraph 6 if such address is known and is within the Commonwealth.
4. If the residence and whereabouts of the owner or, the owner's lessee or, the mortgagee or, the owner's agent are unknown or are outside the Commonwealth, then the notice shall be served by posting a copy thereof in a conspicuous place on the property and advertising it for at least three out of five consecutive days in one or more newspapers of general circulation with the Town.

If any Section, sub-Section, or phrase of this Bylaw were held for any reason, to be unconstitutional, such decision shall not affect the validity of the remaining portion or portions of the Bylaw.

SECTION 8. SCHEDULE OF FEES.

By establishing a "Certificate of Building Closure Fee" which shall be valid for a period not to exceed six (6) months and a Certification Renewal Fee, all as set forth in the Bylaw relative to Vacant and Abandoned Buildings as follows.

CHAPTER XIII: VACANT AND ABANDONED BUILDINGS

Vacant and Abandoned Buildings

For furnishing a Certificate of Building Closure:

Commercial, Industrial, 4+ unit multi family and mixed use buildings	\$250.00
Certification Renewal Fee	\$125.00

For furnishing a Certificate of Building Closure:

Single Family and up to a 3 Unit Multi-Family	\$125.00
Certification Renewal Fee	\$75.00

(Adopted at the June 13, 2011 Annual Town Meeting. Approved by the Attorney General on October 24, 2011.)

CHAPTER IVX: PLASTIC BAG REDUCTION BYLAW

Section 1. Purpose and Intent

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of aquatic animals and other wildlife through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their production.

The purpose of this bylaw is to reduce the use of thin-film single-use plastic checkout bags by all retail and grocery stores in the town of Athol.

Section 2. Definitions

2.1 Checkout bag.: A carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

2.2 Thin-film single-use plastic bags: Typically with plastic handles, these are bags with a thickness of 2.5 mils or less and are intended for single-use transport of purchased products.

2.3 Grocery store: A retail establishment where more than fifty percent of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.

2.4 Retail store: An establishment that offers the sale and display of merchandise within a building.

2.5 Reusable checkout bag: A bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

CHAPTER IVX: PLASTIC BAG REDUCTION BYLAW

Section 3. Use Regulations

3.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail or grocery store within the town of Athol. Retail establishment shall mean any business facility that sells goods directly to the consumer including but not limited to grocery stores, pharmacies, liquor stores, “mimi marts”, and retail vendors selling clothing, food, and household or personal items.

3.2 Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail of grocery stores are strongly encouraged to make reusable checkout bags available for sale to customers at a reasonable price.

3.3 Thin film plastic bags used to contain dry cleaning, newspaper, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

3.4 Said by-law to become effective January 1st, 2018.

Section 4. Enforcement Process

Enforcement of this bylaw shall be the responsibility of the Town Manager or his/her designee. The Town Manager shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any retail or grocery store distributing plastic grocery bags in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulations for enforcement of Town Bylaws under M.G.L. Chapter 40, 21D and the Bylaw for Non-Criminal Disposition and Violations; *or act in relation thereto.*

BYLAW	FINE SCHEDULE	FINE ALLOWED	ENFORCEMENT AGENCY
Plastic Bag Reduction Bylaw	1st offense	Warning	Town Manager’s designee
	2nd offense	\$25.00	
	3rd and each subsequent offense	\$50.00	

Adopted at the June 12, 2017 Annual Town Meeting. Approved by the Attorney General on September 22, 2017.

CHAPTER VX: POLYSTYRENE AND OTHER NON-RECYCLABLE FOOD SERVICE WARE BY-LAW

Section 1. PURPOSE AND INTENT

Single use containers and packaging for prepared foods are a commonly used convenience. When these materials can not be composted or recycled they unnecessarily burden solid waste disposal systems and contribute litter and contaminants to the environment.

The purpose of this bylaw is to prohibit the use and distribution of food service ware that is not compostable or recyclable, and to require in its stead products that are compostable or recyclable. Prohibited materials include foam polystyrene (colloquially known as the trade name “Styrofoam”) and solid plastics that are not marked with a universal recycling number. Reusable products provided by the consumer are encouraged as an alternative to vendor-supplied single-use products.

Section 2. DEFINITIONS

2.1 *Compostable*: Materials that have the ability to completely disintegrate into natural materials within one year while in the natural environment or a home-scale composting system and that leave no toxic or harmful residues behind. Materials that are compostable only in an industrial composting facility are not considered compostable for the purposes of this bylaw.

2.2 *Foam polystyrene*: Polystyrene is a widely used plastic that is used to make both foam and rigid products. “Foam Polystyrene” as used in this bylaw refers to expanded polystyrene foam (EPS), which is generally an opaque, white, lightweight material, often known colloquially by the brand name “Styrofoam.”

2.3 *Food establishment*: Any operation, including but not limited to, restaurants, grocery stores, retail stores, theaters, schools, charitable associations, food trucks, farmers’ markets, concession stands, and other public venues that serve, vend or otherwise provide prepared food for human consumption.

2.4 *Food service ware*: Products for serving or transporting prepared food or beverages, including but not limited to packaging used for take-out foods and/or leftovers from partially consumed meals prepared by a restaurant and /or other food establishment. This includes, but is not limited to, cups, bowls, plates, trays, and hinged or lidded containers. For the purpose of this bylaw it does not include thin film plastic wrap, disposable cutlery, or packaging for unprepared foods. Reusable packaging provided by the consumer rather than the vendor is also not included.

2.5 *Prepared food*: Any food or beverage prepared on the food establishment's premises using any cooking or food preparation technique. It does not include raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

CHAPTER VX: POLYSTYRENE AND OTHER NON-RECYCLABLE FOOD SERVICE WARE BY-LAW

2.6 *Public venues*: Operations such as meeting halls, Town offices and buildings, and recreation areas to which the public has access.

2.7 *Recyclable*: Materials labeled with the universal recycling numbers that are accepted for recycling at the Athol Transfer Station. Foam polystyrene products are not considered recyclable.

Section 3. USE REGULATIONS

3.1 Food service ware made from foam polystyrene (EPS) or other non-compostable or non-recyclable material shall not be distributed by food establishments in the Town of Athol.

3.2 Exemptions

The following are not subject to provisions of this bylaw:

- a) Packaging and containers for pre-packaged foods that are prepared and packaged outside the Town of Athol.
- b) Packaging used by individuals in their homes or at private events to which the public does not have access.

Section 4. ENFORCEMENT PROCESS

Said by-law to become effective January 1, 2020. Enforcement of this bylaw shall be the responsibility of the Town Manager or his/her designee. The town manager shall determine the inspection process to be followed, incorporating the process into other town duties as appropriate. Any person or establishment distributing foam polystyrene food service ware in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Appendix A of the Regulation for enforcement of Town Bylaws under M.G.L. Chapter 40, 21D and the Bylaw for Non-Criminal Disposition and Violations.

BYLAW	FINE SCHEDULE	FINE ALLOWED	ENFORCEMENT AGENCY
Polystyrene Reduction Bylaw	1st offense	Warning	Town Manager's designee
	2nd offense	\$25.00	

	3rd and subsequent offense	\$50.00	
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Passed by a majority vote.

A True Copy, Attest:

Nancy E. Burnham
Town Clerk