General Bylaws

Sutton, Massachusetts

MAY 2015

TOWN OF SUTTON

GENERAL BYLAWS

General By-laws which have been voted by the town are contained herein. Zoning By-laws, Subdivision Rules and Regulations and Sutton's Home Rule Charter are published separately.

These by-laws have been approved by the Attorney General and published or posted in accordance with statutory requirements. The "amended" date refers to the town meeting date an article was amended not the effective date.

AMENDMENTS THROUGH MAY 15 , 2015

ATTEST:

Laura J. Caruso
Town Clerk

TABLE OF CONTENTS

BYLAW		PAGE #
1.	Finance and Warrant Advisory Committee	4
2.	Town Administrative Organization	5
3.	Town Meeting/Town Election	7
4.	Trailers and Mobile Homes	8
5.	Earth Removal	9
6.	Animal Control	15
7.	Unregistered Motor Vehicles	17
8.	Public Drinking	18
9.	Driveways	19
10.	Public Sewer	19
11.	Entertainment	30
12.	Wetlands Protection	32
13.	Street Numbering	46
14.	Council on Aging	46
15.	Scenic Road	47
16.	Renewal or Granting Of Certain Licenses/Permits	50
17.	Regulation of Recreation Camps, Overnight Camps or Cabins, Motels or Mobile Home Parks	52
18.	Use of Public Right of Way	52

BYLAW		PAGE #

19.	General Administration	53
20.	Use of Private Ways	55
21.	Recreation Commission	57
22.	Cemetery Commission	58
23.	Personnel Regulations	58
24.	False Alarms	85
25.	Motorized Scooters Prohibited	86
26.	Town of Sutton Right to Farm	87
27.	Illicit Storm Water Connections & Discharges	89
28.	Hawkers and Peddlers	95
29.	Stretch Energy Code	95
30.	Tax Title Payment Agreements	96

TOWN OF SUTTON

GENERAL BYLAWS

BYLAW 1. FINANCE AND WARRANT ADVISORY COMMITTEE

Section 1.1 – Membership
There shall be Finance and Warrant Advisory Committee appointed by the Moderator consisting of nine members each appointed for a term of three years to expire on June 30th in the third year following appointment. No member of this committee shall be a member of any other town board or committee, nor shall any member hold any town position involving the handling or expenditures of town funds. Every effort shall be made by the Moderator to obtain as equal a representation from the three (3) precincts as possible. Vacancies in membership shall be filled in the manner of the original appointment for the remainder of the unexpired term.

Section 1.2 – Notification to Chairman of Appointments
Within five days after swearing in a new member, the Town Clerk shall mail to the home address of the chairman, the name, address, telephone number and a copy of the new member's appointment paper. The appointment paper shall clearly indicate the date of appointment, term expiration date, precinct in which the appointee resides, and the name of the member being replaced.

Section 1.3 – Organization
The said committee shall, as soon as practical following the commencement of each fiscal year, meet and organize by electing from its own number a chairman, vice-chairman, and clerk each of whom shall perform the usual duties of such officers.

Section 1.4 - Report of Committee
The report of the finance and warrant advisory committee required under the Charter shall be printed and copies shall be made available for distribution to every person who shall request a copy thereof at the office of the Town Clerk, at the public library, at the police station and at other convenient places in the Town for the convenience of the voters. The report shall be available at least seven days prior to the convening of any annual or special town meeting. The report shall also include the vote of the committee on each warrant article.

Adopted: Feb. 2, 1927
Amended: 3/29/50, 3/1/69, 4/20/85, 10/15/90, 10/16/95
Revised: Oct. 20, 2014

BYLAW 2. TOWN ADMINISTRATIVE ORGANIZATION

Section 2.1 - Appointments by the Board of Selectmen
The Board of Selectmen shall appoint the following:

Position	Term	Number Of
a. Town Manager	indefinite	1
b. Board of Health	three years	5
c. Conservation Commission	three years	5
d. Registrar of Voters in a manner as provided by general law	three years	3
e. Board of Appeals (regular)	three years	5
f. Council on Aging	as provided by Bylaw	
g. Cultural Council	as provided by general law	
h. Historical Commission	three years	5
i. Planning Board	three years	2
j. Town Counsel	three years	1
k. Sewer Commission	three years	3
l. Recreation Commission	three years	3
m. Emergency Management Director and related personnel	one year	
n. Constables	one year	
o. Cemetery Commission	as provided by Bylaw	
p. Sutton Community TV Board	three years	5
q. Housing Partnership Committee	three years	7

Section 2.2 - Appointments by the Town Manager
The Town Manager shall appoint the following:

Position	Term	Number Of
a. Police Chief and Officers	indefinite	
b. Fire Chief (who shall be the Forest Warden) and Firefighters	indefinite	
c. Board of Assessors, Principal Assessor	three years	1
d. Board of Assessor member (part-time)	three years	2
e. Treasurer/Collector	indefinite	1
f. Town Clerk	indefinite	1
g. Town Accountant	three years	1
h. Building Commissioner	indefinite	1
i. Wiring Inspector	indefinite	1
j. Gas Inspector	indefinite	1
k. Plumbing Inspector	indefinite	1
l. Sealer of Weights and Measures	one year	1
m. Animal Control Officer	indefinite	1

n. Parking Clerk	one year	1
o. Veterans Agent, Director Burial Agent	indefinite	1
p. Personnel of Health Dept.	indefinite	1
q. Highway Superintendent	indefinite	1
r. Tree Warden	indefinite	1
s. Fence Viewer	one year	1
t. Planning Director	indefinite	1
u. Library Director	indefinite	1

2.2.1 The Town Manager shall in addition to the qualifications set forth in the Charter have at least earned a bachelor's level degree from a recognized, accredited college or university.

The screening committee, in consultation with the Board of Selectmen, shall be responsible for advertising for such position which shall include the specification of a salary or salary range consistent with like positions in the greater Blackstone Valley area.

2.2.2 Forthwith following a notice of resignation or vacancy of the Town Manager position, a screening committee shall be established for the purpose of screening all applicants.

The screening committee shall consist of nine persons who shall be chosen as follows: the Board of Selectmen, the School Committee, the Planning Board and the Board of Library Trustees shall each designate one person, the Finance and Warrant Advisory Committee shall designate two persons and three persons shall be chosen by the Town Moderator. Persons chosen by said agencies may, but need not, be members of the agencies by which they are designated. Appointments made by the Town Moderator may, in so far as it is feasible, be representative of all demographic and occupational bases of the Town.

The said committee shall meet and organize by electing from its own a chairman, vice-chairman and clerk, each of whom shall perform the usual duties of such officers.

Not more than 120 days following the date on which the committee meets to organize, the committee shall submit to the Board of Selectmen the names of not less than three nor more than five persons whom it believes to be best qualified to perform the duties of Town Manager.

Within thirty (30) days following the date the list of nominees is submitted to it, the Board of Selectmen shall choose one of the said nominees to serve as Town Manager. In the event the Board of Selectmen shall fail to

appoint within the thirty (30) days, and unless within the thirty (30) days the Board of Selectmen has notified the screening committee to start a new search, the screening committee shall, forthwith, appoint the Town Manager.

Upon the appointment of a Town Manager, the Committee established hereunder shall be considered discharged.

Section 2.3 - Probationary Term of Office
Subject to any provision of the Charter to the contrary, the appointment of any town official or employee by the Town Manager, other than a member of a collective bargaining unit, a position subject to civil service laws, or a position for which the term is provided for by law, shall initially be for a one (1) year probationary period. Thereafter, the term of office shall be as stated in the Charter or these Bylaws.

Section 2.4 - Attendance Record
All boards and committees are to keep an attendance record of all members at all regular and special meetings. Such attendance record shall be made a part of the written annual report to the Board of Selectmen.

Adopted: Oct. 15, 1990
Amended: 10/21/91, 10/18/93, 10/16/95, 5/6/97, 1/20/00, 10/18/04, 5/9/05
Revised: Oct. 20, 2014

BYLAW 3. TOWN MEETING/TOWN ELECTION

Section 3.1 - Date of Town Meeting
The spring session of the annual town meeting shall be held on the second Monday in May and shall continue on the evenings of successive business days until the warrant has been dissolved; the fall session of the town meeting shall be held on the third Monday in October and shall continue on the evenings of successive business days until the warrant has been dissolved.

Section 3.2 - Date of Town Election
The annual town election for the election of town officers and for the determination of all other matters to be referred to the voters shall be held on the fourth Tuesday in May.

Section 3.3 - Posting of Warrants
Town Warrants shall be posted at the following locations:

* at the store in Sutton Center
* at the Town Hall (Municipal Center)
* at each of the Post offices
* at the Senior Center, Hough Road
* at the Whittier's Farm Milk Store, Douglas Road

* at the store in Manchaug at the Four Corners
* at the elderly housing community center
* at the store in Heritage mall in Wilkinsonville
* on the town's website and local access cable channel, provided, however, that in the event technological or practical impediments to such posting occur, failure to so post shall not affect the validity of the Town Meeting, any town meeting vote on the warrant, or any actions taken in connection therewith.

Section 3.4- Motions for Reconsideration

* any action taken on an article in the warrant shall not by reconsidered except by a two-thirds vote of the meeting.
* Reconsideration must be done at the same session of the meeting at which the vote in question was acted upon.
* Any vote upon a motion for reconsideration shall be final.
* A vote upon a question shall not be reconsidered more than once.

Section 3.5 - Two-Thirds Votes

On matters requiring a two-thirds vote by statute a count need not be taken unless the vote so declared is immediately questioned by seven or more voters as provided in G.L. c.39, §15, or as otherwise provided in these Bylaws.

Section 3.6 – Action on Articles

All articles in the warrant shall be taken up in the order presented in the warrant unless otherwise ordered by a majority vote of the meeting.

Adopted: Jan. 8, 1985
Amended: 12/11/86, 5/4/92, 10/18/93, 10/17/94, 10/16/95, 10/19/98, 6/28/99, 1/20/00, 2/5/07
Revised: Oct. 20, 2014

BYLAW 4. TRAILERS AND MOBILE HOMES

No person shall erect, maintain, or use ~~of~~ a trailer or mobile home for dwelling purposes within the Town for more than 120 days within any calendar year. No zoning Bylaw shall prohibit the owner and occupant of a residence which has been destroyed by fire or other natural disaster from placing a mobile home on the site of such residence and residing in such home for a period not to exceed twelve consecutive months while the residence is being rebuilt. Any such mobile home shall be subject to the provisions of the state sanitary code. The penalty for the violation commencing ten days following the receipt of written notice from the Building Commissioner shall be $100.00 per day.

Adopted: Feb. 16, 1963

Amended: 4/19/86
Revised: Oct. 20, 2014

BYLAW 5. EARTH REMOVAL

Section 5.1 - Definitions

a. Abutter: the owner of land abutting a lot including land on the directly opposite side of an abutting way or abutting an abutter within 300 feet of the lot property line.

b. Board: Planning Board

c. Earth: all forms of soil including, without limitation, sod, loam, sand, gravel, clay, peat, hardpan, rock, quarried stone, or mineral products.

d. Earth Removal: removing any form of Earth

e. Earth Removal, Commercial Earth Removal Operation: an earth removal not defined as Subdivision; or Miscellaneous, Residential, and Agriculture.

f. Earth Removal, Miscellaneous, Residential, and Agriculture: That which is entirely incidental to construction that is subject to a building permit for a single family home, or agricultural building; or that which is less than 300 cubic yards.

g. Earth Removal, Subdivision: That which is entirely incidental to a subdivision, site plan or special permit.

h. Lot: the area described in an application for an earth removal permit as the area from which Earth is sought to be removed.

i. Owner: The Person who holds the fee interest in the Lot.

j. Person: shall include but not be limited to an individual, corporation, society, association, partnership or other legal entity.

k. Removal: stripping, digging, excavating or blasting of Earth and carrying it away from the Lot.

l. Surety: a method of securing performance of a permit which shall take the form of (1) insurance bond, (2) cash deposit, or (3) tri-party agreement with a lender

Section 5.2 – Scope

This Bylaw shall be administered by the Board to apply to all Earth Removal operations in the Town of Sutton except as otherwise provided in this Bylaw. It shall apply to all areas regardless of zoning district.

Nothing in this Bylaw shall prevent the application of the Zoning Bylaws

Section 5.3 – Hearing

Before issuing a new permit, the Board shall hold a public hearing after giving at least fourteen days notice of the time and place thereof, such notice to be by advertisement in a newspaper of general circulation in the town and by certified mail, postage prepaid to all Abutters as they appear upon the most recent tax list. Notice costs shall be borne by the applicant.

The Board shall distribute copies of the application to the Conservation Commission, Police Chief, Highway Superintendent, Fire Chief, and Tax Collector. Such officials may, within fourteen days, provide such comments as they deem appropriate; provided, however, that failure to provide such comments within said period shall not prevent the Board from thereafter acting on the application.

Section 5.4 - Permit Applications and Site Plan Requirements

Except as otherwise provided in Section 5.9 of this Bylaw, no Earth shall be removed from any Lot in the Town unless a permit shall first have been obtained by the Owner of such Lot from the Board.

Applications for Earth Removal Permits shall be made to the Board by filing an application with the Board on a form to be provided by the Board.

Each application shall include and be accompanied by the following information and supporting documentation:

a. a filing or renewal fee in an amount established by the Board and contained in the Rules and Regulations.

b. the legal address of the Lot together with a description by metes and bounds of the Lot proposed for excavation.

c. legal name and address of the Owner of the Lot

d. legal name and address of the petitioner, which address shall be used by the Board for all correspondence hereunder.

e. names and addresses of all Abutters as appearing on the most recent tax list as certified by the assessors.

f. a current topographical plan\map of the Lot showing zoning classification and topography of surrounding areas with 100 feet of the property line.

g. a certified statement of the quantity of excavation or fill involved made by a registered engineer or land surveyor.

h. the plan of the land showing proposed contours of the site at the completion of the excavation project.

i. the form of the Surety proposed to be submitted in accordance with Section 5.7.

j. the applicant shall also pay, in addition to the filing or renewal fees set forth above, such other fees as determined by the Board to cover the costs of the engineering and/or legal expenses incurred by the Town that are not otherwise covered by the filing or renewal fee.

Section 5.5 - Granting or Denying Permits

A. In granting or denying a permit, in whole or in part, the Board shall take into consideration whether or not the granting of a permit would:

1. endanger the public health or safety, or existing or potential water supplies;

2. constitute a nuisance;

3. result in detriment to the normal use of adjacent property by reason of noise, dust or vibration, or undermining the property;

B. Any permit issued by the Board shall comply with the following provisions:

1. Operations may not occur within 200 feet of a way open to the public use, whether public or private, or within 200 feet of a building or other structure unless the Board is reasonably satisfied that such operations will not undermine such way or building or other structure.

2. No removal below the natural grade shall be permitted within 200 feet of a residentially zoned property line unless safety and protection from nuisance factors is assured through additional measures such as fencing or sloping as determined by the Board. In no case shall excavation take place within 100 feet of a residentially zoned property line unless the abutting land is subject to an Earth Removal permit granted under this Bylaw and the owner of such land has granted written approval of such removal. The buffer zones shall remain undisturbed with regard to vegetation unless approved by the Board. The applicant must stake the proposed zones for review by the Board or its agent(s) prior to any vegetation removal. At the discretion of the Board, planting or otherwise upgrading of existing vegetation may be required.

3. No slope created by Earth Removal operations shall be finished at a grade in excess of 2 (horizontal) to 1 (vertical) unless specifically otherwise authorized in the permit.

4. The lowest excavated point shall be no less than ten (10) feet above the existing groundwater table. To ensure this depth, the Owner shall, at its

expense, install observation wells in accordance with the requirements of the Board's agent.

5. The routes proposed for truck traffic shall be reviewed and accepted by the Police\Highway Departments to determine safety and road conditions.
6. New permits shall be limited to an area of five acres. Subsequent permits shall be issued only upon reclamation of the original area.

C. Applications for permits may be granted, denied, or granted in part and denied in part.

Section 5.6 - Operating Standards

Each permit issued by the Board shall be subject to the following conditions which shall be set forth on the permit.

a. No area shall be excavated so as to allow the accumulation of freestanding water.

b. Such other reasonable requirements consistent with the provisions of this Bylaw and such rules and regulations as the Board may adopt hereunder including, but not limited to, grading, constant sloping, seeding, and planting, fencing or screening necessary for public safety and\or visual aesthetics; methods of removal; location and use of buildings and other structures; hours of operation, routes of transportation of Earth Removal, control of drainage and disposition of waste incidental to the removal operations.

c. Upon the conclusion of Earth Removal operations all areas upon which such operations have been conducted shall be covered with not less than four inches of topsoil capable of supporting vegetation brought to the finished grades and seeded with a cover crop, suitable to the Board, except where ledge rock is exposed and all large stones and boulders which protrude above finished grade shall be buried or removed. The Board shall require the applicant to guarantee growth of the crop cover on such areas within two years of seeding.

Section 5.7 – Surety

a. Prior to commencing Earth Removal operations, the applicant shall post with the treasurer of the Town of Sutton proper Surety in such form and amount and with such Sureties as determined by the Board to be sufficient to guarantee compliance with the terms and conditions of the permit and any amendments thereto. The purpose of the Surety is to assure that funds are available to the Town to comply with this Bylaw and to complete restoration.

b. The Surety shall not be released until (1) the owner's surveyor or engineer has filed with the Board an "as built" plan and has certified that the restoration has been completed in compliance with the permit and the plans, and (2) the

final plans and site have been reviewed by the Board's Agent and signed off by the Board. Outstanding fees and or penalties owed to the Town shall be paid in full prior to the release of the Surety.

Section 5.8 – Permit Expiration and Renewals

Expiration - Any permit issued hereunder shall automatically expire upon completion of the Earth Removal project for which it was issued or at such other time as may be specified in said permit; provided however, that no such permit shall be valid for more than one year from the date of issuance.

Renewals - Upon application for renewal of a permit, the Board may in its discretion grant renewals for periods of up to one (1) additional year without a public hearing. The Board shall notify the town departments per section 5.3.b. Any renewal application shall meet the same requirements as a new permit.

Section 5.9 – Exemptions

The Board may exempt, in part or in whole, the following Earth Removal operations from the provisions of this Bylaw after the applicant has filed a statement with the Board that the removal falls into one if the following categories and states the amount and type of material to be removed. The applicant shall meet with the Board to discuss the request and present engineering plans to support the request. These plans shall include; a description by metes and bounds of the Lot proposed for excavation; the location of the area to be excavated; the legal name and address of the Owner; the legal name and address of the applicant, which address shall be used by the Board for all correspondence hereunder.

The Board shall decide on such requests for exemption within forty-five days of receipt of the written request for an exemption. After meeting with the applicant, the Board may require an exempt operation to meet any or all of the standards set forth in section 5.5 and 5.6 as determined to be necessary by the Board.

a. Earth Removal operations for any municipal purpose by or on behalf of the Town of Sutton or any department or agency thereof.

b. Earth Removal operations which are customarily incidental to farming, agriculture, gardening or nursery operations involving less than 300 cubic yards.

c. Earth Removal defined as Miscellaneous, Residential, and/or Agriculture that is incidental to the construction of a building or other structure and associated facilities that is subject to a building permit and to the installation of walks, driveways, landscaping, and similar appurtenances to said building; or earth removal involving less than 300 cubic yards.

d. Earth Removal operations in connection with the construction or improvement of a private way.

e. Earth Removal operations defined as Earth Removal, Subdivision, and which is entirely incidental to the subdivision, site plan or special permitting process.

Section 5.10 - Rules and Regulations

The Board may adopt and amend reasonable rules and regulations to carry out the purpose of this Bylaw. Said rule-making authority includes, but is not limited to, regulations regarding applications, site plan detail, engineering detail, criteria to be met to protect aquifers or wetlands, criteria for site restoration notices and enforcement. Said rules and regulations shall not be effective until reviewed and authorized by the Board of Selectmen and filed in the Office of the Town Clerk.

Section 5.11- General Provisions

a. If the Board determines that any Person is violating any provision of this Bylaw, the Board may order such Person to cease and desist from such violation. The Board shall cause notice of the order to be served on such Person by mail or by having it delivered in hand by the Board's agent. If after receipt of such notices such Person continues such violation; such Person shall be subject to penalties as outlined in G.L. c.40, §21D. Each day for which any such violation continues after receipt of such notice shall be deemed to be a separate offense.

b. For the purposes of ensuring compliance with this Bylaw, the Board shall appoint an agent who shall have such authority as is specifically delegated by vote of the Board. Said authority shall not exceed that authority granted to the Board under this Bylaw. The appointment of said agent shall not take effect until notice thereof is filed with the Town Clerk and the Board of Selectmen.

Section 5.12 – Pre-Existing Operations

Earth Removal activities in lawful operation prior to 1987 may continue subject to the below listed conditions.

a. Applications for renewal of permits for existing operations shall meet all the plan requirements as set forth in this Bylaw and the application shall include information on all contiguous open areas owned by the applicant.

b. Any excavation shall be at least 10 feet above the water table. If excavation is already below that level, the area shall be filled to a level sufficient to protect the water supply as determined by the Board.

c. Operations shall be exempt from the limitation on the number of acres open at one time. The Owner shall submit a reclamation plan acceptable to the Board

on the recommendation of its engineering agent. This plan shall include the location and number of acres to be reclaimed within one year. A long-range plan may also be required at the discretion of the Board.

d. Any area of excavation which is already within the required buffer shall be fenced and screened from abutting residences unless the Board determines that no nuisance or safety problems exist.

e. New excavations, constituting an expansion of operations into areas of land not presently being mined, will require permits in accordance with the terms of this Bylaw.

Section 5.13 – Validity

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision hereof.

Adopted: Feb. 20, 1954
Amended: 2/16/57, 4/17/70, 4/19/75, 4/17/76, 4/18/81, 4/17/82, 4/19/86, 9/23/87, 2/1/89, 10/16/95, 6/28/99, 10/15/01, 10/21/02, 10/17/05, 10/15/12
Revised: Oct. 20, 2014

BYLAW 6. ANIMAL CONTROL

Section 6.1 - Animal Control Officer

The Town Manager shall annually appoint an Animal Control Officer. The Animal Control Officer and/or his assistants are not required to be a resident of the Town. The Animal Control Officer shall receive such compensation as agreed upon by the Animal Control Officer and the Town Manager.

Section 6.2 - Licensing

Annual dog and kennel Licenses as required by G.L. c. 140, §§137 and 137A, must be obtained from the Office of the Town Clerk by January 1 for a licensing period of January 1 through December 31. When licensing a dog for the first time, proof of spay or neutering should be presented in order to be eligible for neutered or spayed license fee. There will be a late fee per dog for licensing after March 1.

Applicants for kennel licenses shall include the name, breed, age, proof of fixing (if applicable), proof of rabies vaccinations and the telephone number where the licensee can be reached at all times.

In addition to meeting all of the requirements of G.L. c. 140, §§137A to 137C, any person who receives a kennel license shall maintain the premise in accordance with the following specifications:

a. A minimum of four by eight (4x8) feet for each dog shall be provided.
b. Locks on gates to prevent the escape of dogs and the entry of children shall be provided.
c. Kennel shall be sixty (60) feet from the street and forty (40) feet from lot lines.

No kennel license shall be issued unless the applicant demonstrates that the use of the subject property as a kennel is permitted under the Town's Zoning Bylaws.

Section 6.3 Fees
The annual fee for individual and kennel licenses shall be as follows:

a. Individual Dog, fixed	$ 15.00
b. Individual Dog, intact	$ 20.00
c. Kennel, 4-8 dogs	$ 90.00
d. Kennel, 9 or more dogs	$150.00
e. Late fee after March 1	$ 15.00
f. Late fee after April 1	$ 25.00

Section 6.4 Restraint
No person shall permit any dog, whether licensed or unlicensed, to wander on private property without permission of the owner thereof, or on any public property within the Town, included but not limited to public ways, school grounds, recreation areas and cemeteries, unless the dog is restrained. A dog is under restraint for purposes of this Bylaw if it is accompanied by its owner or other person responsible for the dog, who is in full control of such dog, or unless the dog is held firmly on a leash of not more than six (6) feet.

Unrestrained or unlicensed dogs may be sought out and confined by the Animal Control Officer or any police officer of the Town, and impounded pursuant to G.L. c. 140, §§151A and 167.

Noting in the Bylaw shall be deemed to prohibit the use of dogs for hunting, sporting or working purposes as long as said dogs are properly restrained.

Section 6.5 Impoundment
The owner or keeper of any dog impounded under the provisions of G.L. c. 140, §167 may claim such dog, provided he or she first procures from the Town Clerk a license and tag for any such dog that is not licensed and pays the amount per day for the care of the dog during the period of impoundment.

No person shall fail to promptly remove and properly dispose of any feces left by any dog owned, kept or controlled by them on the property of another, including but not limited to any public property within the Town.

Section 6.6 Enforcement
The Animal control Officer or any police officer of the Town shall be empowered to enforce provisions of this Bylaw.

In addition to the remedies set forth herein and G.L. c. 140, §§136A to 174E, inclusive, or any other applicable provision of law, this Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D. If non-criminal disposition is elected, then any person who violates any provision of this Bylaw shall be subject to the following penalties:

First Offense:	$ 50 fine
Second Offense:	$100 fine
Third and subsequent Offense:	$200 fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

Adopted: Mar 3, 1973
Amended: 4/16/77, 4/20/85, 5/6/91, 5/12/03, 10/20/03
Revised: Oct. 20, 2014

BYLAW 7. UNREGISTERED MOTOR VEHICLES

Section 7.1 Number of Allowed Vehicles
Not more than two unregistered motor vehicles, assembled or disassembled, shall be kept, stored or allowed to remain on a parcel of land except by a person duly licensed under G.L. c.140 §§57-69, inclusive and except as provided herein.

Section 7.2 Storage Location Restrictions
No unregistered motor vehicles, assembled or disassembled or any parts thereof, shall be kept, stored or allowed to remain in or on any front or side yard as defined in Section I.B of the Sutton Zoning Bylaw except by a person duly licensed under G.L. c.140 §58 and except as provided in Section 7.3 of this Bylaw.

Section 7.3 Board of Selectmen Permit Issuance; Public Hearing; Guidelines
The Board of Selectmen may issue a permit to keep, store or allow any vehicles or parts thereof as described in Section 7.1 and 7.2 of this Bylaw on a certain parcel of land after said board has held a public hearing thereon, first causing at least seven days notice of the time, place and subject matter of such hearing to be given at the expense of the applicant by:

a. Publication in a newspaper of general circulation in the Town.
b. Registered or certified mail to all abutters as appearing on the most recent tax list certified by the assessors.

Said Board shall not issue such a permit unless it finds that the presence of said vehicles or parts thereof on such parcel:

a. Will not nullify or substantially derogate from the intent or purpose of this Bylaw.
b. Will not constitute a nuisance.
c. Will not adversely affect the neighborhood in which such parcel is situated.

Section 7.4 Permit Requirements
Each permit shall:

a. Specify the maximum number of such vehicles that may be kept, stored or allowed to remain in or on such parcel.
b. Be limited to a reasonable period of time.
c. Be a personal privilege of the applicant and not a grant attached to and running with the land.

Section 7.5 - Exceptions
The provisions of this Bylaw shall not apply to vehicles which are:

a. Stored within an enclosed building.
b. Designed and used for farming or agricultural purposes.

Section 7.6 – Violation Penalty
Any person who continues to violate the provisions of this Bylaw after thirty days following receipt by him of written notice of such violation from the Board of Selectmen shall be liable to a penalty not exceeding $100.00 for each offense. Each day that any violation is allowed to continue after said thirty-day period shall constitute a separate offense.

Adopted: Feb. 16, 1963
Amended: 4/20/74, 4/17/76
Revised: Oct. 20, 2014

BYLAW 8. PUBLIC DRINKING

Section 8.1 – General Provision
Except as duly licensed under general law or these Bylaws by the Board of Selectmen, no person shall drink, or have in his possession an open container of, an alcoholic beverage as defined in G.L. c.138 §1, while on, in, or upon any public way or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, or park or playground, or private land or place without the consent of the owner or person in control thereof.

Section 8.2 – Violation Seizure
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 summonsed before the court, at which time they shall be destroyed according to statute or by order of the court.

Section 8.3 – Violation Penalty
The penalty for violations of this Bylaw shall be a fine of up to three hundred dollars ($300.00) for each offense, and shall be recovered by indictment or on complaint before the district court, or by non-criminal disposition in accordance with G.L. c.40 §21D.

Adopted: 4/16/77
Amended: 10/15/90
Revised; Oct. 20, 2014

BYLAW 9. DRIVEWAYS

Section 9.1 General Provisions; Penalty
No way or driveway shall be constructed leading into a public way without obtaining from the Highway Superintendent or the Board of Selectmen a written permit within 60 sixty days of the start of construction of the said way or driveway. No way or driveway shall be constructed or maintained which shall discharge water onto or upon a public way or into a public drainage system without the permission and under the supervision of the Highway Superintendent. Any violation of this Bylaw or any order of the Highway Superintendent or the Board of Selectmen shall subject the owner and/or violator to a fine of ($20.00) twenty dollars per day for each day of violation or take any other action as the law may provide.

Adopted: 4/15/78
Revised: Oct. 20, 2014

BYLAW 10. PUBLIC SEWER

Section 10.1 - Definitions
Unless the context specifically indicates otherwise, the meaning of terms used in this Bylaw shall be used as follows:

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

"Building Sewer" shall mean the extension from the building drain to the Public Sewer or other place of disposal.

"Combined Sewer" shall mean a Sewer receiving both surface runoff and Sewerage.

"Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from handling, storage, and sale of produce.

"Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from Sanitary Sewage.

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

"Person" shall mean any individual, association, corporate entity, partnership, trust, department of the Commonwealth of Massachusetts or the federal government (to the extent permitted by law, and any officer, employee, or agent of such person.

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

"Public Sewer" shall mean a Sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

"Sanitary Sewer" shall mean a Sewer which carries Sewage and to which storm, surf ace, and ground waters are not intentionally admitted.

"Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

"Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating Sewage.

"Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of Sewage.

"Sewer" shall mean a pipe or conduit for carrying Sewage.

"Slug" shall mean any discharge of water, Sewage or Industrial Waste which in concentration of any given constituent or in quantity of flow exceeds more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation for any period of duration longer than fifteen (15) minutes.

"Storm Drain" (sometimes termed "storm Sewer") shall mean a Sewer which carries storm and surface waters and drainage, but excludes Sewage and Industrial Wastes other than unpolluted cooling water.

"Superintendent" shall mean the Superintendent of Sewage Works and/or Water Pollution Control of the Town of Sutton or his authorized deputy, agent or representative.

"Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, Sewage or other liquids, and which are removable by mechanical filtering.

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

Section 10.2 - Buildings, Sewers, and Connections

10.2.1

No Person shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. Any Person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are to be discharged into the system shall file an application with the Superintendent at least forty-five (45) days prior to the proposed change or connection.

10.2.2

There shall be two (2) classes of Building Sewer permits

a. for residential and commercial use.
b. for service to establishments producing Industrial Wastes.

In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, and other information considered pertinent in the judgment of the Superintendent. All applicable permit and inspection fees in such amount as set forth in the fee schedule of the Sewer Department shall be paid to the Town at the time the application **is** filed.

10.2.3

All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the owner.

The owner shall indemnify the Town against any loss or damage that may directly or indirectly be caused by the installation of the Building Sewer.

10.2.4
A separate and independent Building Sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and private Sewer is not available or cannot be constructed to the rear building through an adjoining alley, court, yard, or driveway, the Building Sewer from the front building may be extended to the rear building and the whole considered as one Building Sewer.

10.2.5
Existing Building Sewers may be used in connection with the new buildings only when they are found, on examination and tested by the Superintendent, to meet all requirements of this Bylaw.

10.2.6
The size, slope, alignment, materials of construction of a Building Sewer and the methods to be used in excavating, placement of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code and other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

10.2.7
No Person shall make connections of roof downspouts, exterior foundations drains, areaway drains, or other sources of surface runoff or groundwater to a Building Sewer or building drain which, in turn, is connected directly or indirectly to a Sanitary Sewer.

10.2.8
The connection of the Building Sewer into the Public Sewer shall conform to the requirements of the building and plumbing code and other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.E. manual or Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedure and materials must be approved by the Superintendent before installation.

10.2.9
The applicant for the Building Sewer permit shall notify the Superintendent when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Superintendent or his representative.

10.2.10
All excavations for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks,

parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

10.2.11
All property owners whose land abuts a public or private way in which a Sanitary Sewer has been laid are required to connect to the Sewer, unless the property owner can demonstrate to the satisfaction of the Board of Health the existence of a compliant Title V system.

Section 10.3 - Use of the Public Sewer

10.3.1
No Person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof water, runoff, subsurface drainage, cooling water, or industrial process waters to any Sanitary Sewer.

10.3.2
Storm water and all other unpolluted drainage shall be discharged to such Sewers as are specifically designated as Combined Sewers or Storm Sewers, or to a Natural Outlet approved by the Superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the Superintendent. to a storm Sewer, Combined Sewer, or Natural Outlet.

10.3.3
No Person shall discharge or cause to be discharged any of the following described waters or wastes to any Public Sewers:

a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

b. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any Sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the Sewage Treatment Plant.

c. Any waters or wastes having a pH lower than 6.5, or having any other corrosive property capable of causing damage to structures, equipment, and personnel of the Sewage Works.

d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in Sewers, or other interference with the proper operation of the Sewage Works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground Garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by Garbage grinders.

10.3.4

No Person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the Sewers, Sewage treatment process, or equipment, have an adverse effect on the receiving system, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as the acceptability of these wastes, the Superintendent shall give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the Sewers, materials of construction of the Sewers, nature of thee Sewage treatment process, capacity of the Sewage Treatment Plant, degree of treatability of wastes in the Sewage Treatment Plant and other pertinent factors.

The substances prohibited are:

a. Any liquid or vapor in excess of one hundred fifty degrees Fahrenheit (150° or 65° C).

b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1) or containing substances which may solidify or become viscous at temperatures between thirty two and one hundred fifty degrees Fahrenheit (32°F to 150°F or 0° to 65°C).

c. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

d. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite Sewage at the Sewage Treatment Plant exceeds the limits established by the Superintendent for such materials.

e. Any waters or wastes substances in such concentrations exceeding limits established by the State, Federal, or other public applicable agencies for such discharge to the receiving waters.

f. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by applicable State and Federal regulations.

g. Any waters or waste having a pH in excess of 9.0.

h. Materials which exert or cause:

1. Unusual concentration of inert Suspended Solids (such as, but not limited to, fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

2. Excessive discoloration (such as, but not limited to, dye wastes, and vegetable tanning solutions).

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the Sewage Treatment Plant, may cause the effluent limitations of the discharge permit to be exceeded.

4. Unusual volume or flow or concentration of wastes constituting Slug.

i. Waters or wastes containing substances which are not amendable to treatment or reduction by the Sewage treatment processes employed, or are amendable to treatment only to such degree that the Sewage Treatment Plant effluent cannot meet the requirements of the other agencies having jurisdiction over discharge to the receiving waters.

10.3.5

If any waters or wastes are discharged or are proposed to be discharged to the Public Sewers which waters contain the substances or possess the characteristics enumerated in Sections 10.3.3 and 10.3.4 of this Bylaw and which in the judgment of the Superintendent, could have a deleterious effect upon the Sewage Works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

a. Reject the wastes.

b. Require pretreatment to an acceptable condition for discharge to the Public Sewers.

c. Require control of the quantities and rates of discharge, and/or

d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, this Bylaw, laws, and the municipal discharge permit. Further, such treatment installations must be consistent with the requirements of any state pretreatment permit.

10.3.6

Where preliminary treatment or flow-equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

10.3.7
When required by the Superintendent, the owner of any property serviced by a Building Sewer carrying Industrial Wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the Building Sewer to facilitate observation sampling, and measurement of the wastes, such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. All industries discharging into a Public Sewer shall perform such monitoring of their discharges as the Superintendent may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Where industrial pretreatment permits are issued by the Commonwealth of Massachusetts monitoring records must also be submitted to the Board of Sewer Commissioners in accord with such permit. Records of any other monitoring will be supplied by the Superintendent to the Commonwealth on request.

10.3.8
All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Bylaw shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the downstream manhole in the Public Sewer nearest to the point at which the Building Sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the Sewage Works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken.) Normally, but not always, BOD and Suspended Solids analysis are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.

10.3.9
Any Person held in violation of the provisions of this Bylaw may have its disposal authorization terminated.

10.3.10
No statement contained in this Bylaw shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment, therefor, by the industrial concern.

Section 10.4 - Protection From Damage

10.4.1

No Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Sewage Works. Any Person violating this provision shall be subject to immediate arrest.

Section 10.5 - Authority of Inspectors

10.5.1

To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Superintendent and other duly authorized employees and agents of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Bylaw.

10.5.2

While performing the necessary work on private properties referred to in Section 10.5.1 above, all duly authorized employees and agents of the Town shall observe all safety rules applicable to the premises and made known to such employees and agents.

10.5.3

Duly authorized employees and agents of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the Sewage Works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement pertaining to the private property involved.

Section 10.6 - Penalties

10.6.1

Any Person found to be violating any provision of this Bylaw except Section 10.4 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

10.6.2

Any Person who shall continue any violation beyond the time limit provided for in Section 10.6.1, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in the amount not exceeding $20.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

10.6.3
Any Person violating any of the provisions of this Bylaw shall become liable to the Town for any expense, loss, or damage occasioned to the Town by reason of such offense.

10.6.4
In addition to the provisions set forth in Bylaw 19 General Administration Section 19.2.3, any industrial, residential or commercial user discharging into the Public Sewer system who is found guilty of violating either Federal, State or Local discharge rules and regulations shall be subject to a civil penalty in such amount as set forth in the fees, fines and penalties schedule of the Sewer Department for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 10.7 – Severability
The provisions of this Bylaw are hereby declared to be severable. The invalidity of any section, clause, sentence or provision of this Bylaw or the application thereof to any Person, establishment or circumstances shall not affect the validity of any other provision or application of this Bylaw.

Section 10.8 - Rates
10.8.1
The Board of Sewer Commissioners shall establish the user charge and industrial cost recovery system in accordance with appropriate Federal and State rules and regulations pertaining to the costs associated to the use of the Sewer by an industry.

10.8.2
The Board of Sewer Commissioners shall establish the user charge system in accordance with appropriate Federal and State rules and regulations pertaining to the costs associated to the use of the Sewer by a non-industrial user.

10.8.3
The Board of Sewer Commissioners shall in establishing the rates referred to in Sections 10.8.1 and 10.8.2 above, make specific reference to the sewer use rate structure in force at the time of any connection. The sewer use rate structure shall incorporate the requirements of the applicable State and Federal regulations.

10.8.4
Rate Structure (to be developed).
10.8.5
Industrial Cost Recovery Structure (to be developed).

Section 10.9 - Sewer Connection Fees

10.9.1

The Town of Sutton shall charge a permanent sewer connection fee as established by this Bylaw.

10.9.2

Whenever a connection is made, either directly or indirectly, to the Town Sewer system, or any connection already made, or whenever the use of a Sewer previously connected is subsequently changed as hereinafter provided, a permanent sewer connection fee shall be assessed. Such fee shall be that which is in effect at the time the connection is made; or, in the case of a change in use of a Sewer previously connected, then the fee in effect at the time an application for a building permit is filed; or if no such permit is required then at the time an occupancy permit is issued, or, of none, then at the time the new use begins.

10.9.3

The permanent sewer connection fee shall be at a per-unit rate in such amount as determined and established by the Sewer Commissioners. For the purpose of this Bylaw the number of units to be assessed on each such connection shall be as follows:

A. Residential Use

1. Each single family building connected directly to the Town Sewer system shall be assessed as one unit.

2. Each dwelling unit in a multiple family dwelling, whether connected to the Town Sewer system directly or indirectly, shall be assessed at the per-unit rate.

B. Other Uses

1. For uses other than residential there shall be an assessment of a minimum of one unit, and an additional unit for every 10,000 square feet of floor space, or major portion thereof, exceeding an initial 10,000 square feet of floor space, up to a total of 50,000 square feet of floor space; and an additional unit for every 25,000 square feet of floor space or major percentage thereof exceeding the initial 50,000 square feet. In the event that said (unit) is subdivided into more than one tenant or business, an additional unit will be charged for each tenant or business.

C. Change in Use

1. When a Sewer has previously been connected, in residential uses when additional dwelling units are added, a fee at the per-unit rate then in effect.

2. When a Sewer has previously been connected, in uses other than residential when additional floor space is added, a fee shall be assessed on one unit for each additional 10,000 square feet of floor space, or major percentage thereof, up to a total of 50,000 square feet of total floor space of the building; and an additional unit for every 25, 000 square feet of floor space, or major percentage thereof, exceeding the initial 50,000 square feet, or if it is subdivided into more than one tenant or business, an additional unit will be charged for each tenant or business.

Section 10.10 – Administration

10.10.1

The Board of Sewer Commissioners ("Board") shall administer, implement, and enforce this Bylaw, and any rules and regulations adopted thereunder. The Board shall have authority to establish fees and charges in accordance with the provisions of this Bylaw. Any powers granted to or duties imposed on the Board may be delegated to employees or agent of the Board.

10.10.2

The Board may promulgate rules and regulations to effectuate the purposes of this Bylaw and to govern the use and operation of the Town Sewer System. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating any provision of this Bylaw.

10.10.3

To the extent the Town is a party to any third party agreement which contains provisions that are more restrictive than those otherwise set forth in this bylaw, said more restrictive provisions shall control, to the extent applicable pursuant to the terms of said agreement.

Adopted: Oct. 12, 1978
Amended: 4/18/86, 10/17/88, 2/1/89, 6/19/89, 5/1/89, 5/4/92, 5/3/93, 10/19/98, 10/19/98, 10/20/03, 5/9/05, 5/14/07
Revised: Oct. 20, 2014
Amended May 11, 2015

BYLAW 11. ENTERTAINMENT

Section 11.1

The acts or conduct enumerated in Section 2 of this Bylaw are deemed contrary to the public need and to common good and therefore are prohibited in or on premises licensed under the provisions of G.L. c.18 §1 and §12, or c.140 §181 or §183A.

Section 11.2

The following acts or conduct are prohibited as provided in Section 1 of this Bylaw.

a. To employ or permit any person in or on the licensed premises while such person is unclothed or in such attire as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals.

b. To employ or permit any person to mingle with the patrons while such person is unclothed or in such attire as described in paragraph (a) above.

c. To encourage or permit any person in or on the licensed premises to touch, caress or fondle the breasts, buttocks, or genitals of any other person.

d. To employ or permit any person to wear or use any device or covering exposed to view which simulates the breasts, buttocks, pubic hair or genitals or any portion thereof.

e. To employ or permit any person in or on the licensed premises to perform an act or acts or to simulate the act or acts of:

1. Sexual intercourse, masturbation, sodomy, flagellation or any sexual acts prohibited by law.

2. Touching, caressing or fondling of the breasts, buttocks or genitals of one another.

f. To employ or permit any person in or on the licensed premises to show or depict through any visual medium any acts or any simulation of any of the acts prohibited in paragraphs (a-e) hereof.

Section 11.3
Nothing contained in this Bylaw shall permit any other conduct or activity in or on any licensed premises in violation of any general or special law or Bylaw now in force or hereafter enacted or adopted.

Section 11.4
Nothing contained in this Bylaw shall limit or prohibit the appropriate licensing authority from adopting additional regulations relating to conduct or activity on licensed premises or from imposing additional conditions on the issuance of any license.

Section 11.5
Violation of the provisions of this article shall be cause for the suspension or revocation of any license granted pursuant to G.L. c.138 §1 and §12 or c.140 §181 or §183A.

Section 11.6
In addition to the penalty imposed by Section 11.5 hereof, violations of this Bylaw shall be punished by a fine of not less than fifty dollars ($50.00) and not more than one

hundred dollars ($100.00). Each day a prohibited activity occurs shall constitute as a separate offense.

Section 11.7
If any of the provisions of this Bylaw, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provisions of this article, or the application thereof, and for this purpose the provisions of this article are severable.

Adopted: April 18, 1981
Revised: Oct. 20, 2014

BYLAW 12. WETLANDS PROTECTION

Section 12-1. Purpose
The purpose of Bylaw 12 of the General Bylaws of the Town of Sutton ("Bylaw") is to preserve, protect, and where possible, restore the public interests ("Public Interests") associated with wetlands, related water resources and adjoining land areas in the Town, and to set forth a public review and decision making process for activities having an impact or effect upon any areas subject to protection ("Area Subject to Protection"). This Bylaw is a mandate unto itself and as an adjunct to the Massachusetts Wetlands Protection Act at MGL. c. 131, §40, and its Regulations at 310 CMR 10.00, as amended from time to time. This shall be done by controlling activities deemed by the Conservation Commission ("Commission") to have an impact or cumulative impact upon the resource areas ("Resource Areas) and stated public interests ("Public Interests") in MGL. c.131, §40 and 310 CMR 10.00 and this Bylaw. This Bylaw is intended to utilize the Home Rule authority of this municipality to protect additional Resource Areas and Public Interests, with additional standards and procedures stricter than those found in MGL c. 131, §40 and 310 CMR 10.00. As such, additional Public Interests under this Bylaw include the following:

- Protection of Aquatic Life Habitat;
- Protection of Recreational Activities;
- Protection of Aesthetics;
- Protection of Agriculture

Section 12-2. Jurisdiction
No person shall alter any Area Subject to Protection ("Resource Area") defined in MGL c.131, §40 and/or 310 CMR 10.00, which shall be afforded protection under this Bylaw, or the additional Areas Subject to Protection ("Bylaw Resource Area" or simply "Resource Area") under the Bylaw as stated below.

- Wetlands, regardless of whether they border a waterbody or watercourse;
- All streams, regardless of whether they are associated with a Resource Area or upgradient of a Resource Area;
- Areas Subject to Storm Flowage (ASSF)
- Vernal pools;

- Waterbodies less than 1/4acre-foot in size;
- Great Ponds;
- Adjacent Upland Resource Area ("AURA")

Notwithstanding the above, the Commission may permit Work within the above-mentioned Resource Areas deemed not to result in Adverse Impact to the Public Interests stated in MGL. c. 131, §40, its Regulations at 310 CMR 10.00, or in §12.1 above.

The jurisdiction of this Bylaw shall not extend to uses and structures of agriculture that enjoy the rights and privileges of laws and regulations of the Commonwealth governing agriculture, including work performed for normal maintenance or improvement of land in agricultural or aquacultural uses as defined in 310 CMR 10.04.

Section 12-3. Definitions
The definition of terms in this Bylaw shall be as set forth in MGL c.131, §40 and 310 CMR 10.00, except as otherwise provided in this §12-3:

Activity- means any form of draining, dumping, dredging, damming, excavating, filling or grading; the erection, reconstruction or expansion of any buildings or structures; the driving of pilings; the construction or improvement of roads and other ways; the changing of runoff characteristics; the intercepting or diverging of ground or surface water; the installation of drainage; sewage and water systems; the discharging of pollutants, including sediment; the destruction of plant life; and any other changing of the physical, biological, or chemical characteristics of land or water;

Adjacent Upland Resource Area- The land within 100' of a Resource Area as defined in MGL c.131, §40, 310 CMR 10.00, §13-2 of this Bylaw, or 200' from the bank of a Great Pond or Perennial River as defined in this Bylaw.

Adjacent Upland Resource Area ("AURA")- An Area Subject to Protection under this Bylaw which extends perpendicularly from the outermost edge of stated Resource Areas below, without regard for topography.

A 100' AURA shall apply to:
- Banks of Intermittent Streams;
- Wetlands, regardless of whether they border a waterbody or watercourse;
- Vernal pools;

A 200' AURA shall apply to:
- Banks/Bankfull Condition/Mean Annual High Water mark of Perennial Rivers;
- Great Ponds

AURA shall not apply to the following:
- Land Under Waterbodies & Waterways (LUW)
- Bordering Land Subject to Flooding (BLSF)
- Waterbodies less than 1/4acre-foot in size;

- Isolated Land Subject to Flooding (ILSF)

Aesthetics- Outward appearance: the way something looks, especially when considered in terms of how pleasing it is;

Adjunct- added as an accompanying object or circumstance; in this case, this Bylaw is an adjunct to MGL c.131, §40 and 310 CMR 10.00;

Adult Fish Population- this definition shall be consistent with the policies and procedures of the Massachusetts Division of Fisheries & Wildlife ("DFW") Natural Heritage and Endangered Species Program ("NHESP"), as amended from time to time;

Adverse- a) In general: having an opposing or contrary interest; in this case, opposing or contrary to the Public Interests;
b) In the context of Impact: in the opinion of the Conservation Commission, an Activity or Alteration to a Resource Area which, by its area, scope, or duration appears to represent more than a minimal change (i.e. Significant) to the characteristics, Functions or Values to the stated Public Interests;

Alter/Alteration- Means to change the condition of any Area Subject to Protection under MGL c.131 §40, or any Area Subject to Protection under the Bylaw. Examples of alterations include, but are not limited to the following:
(a) the changing of pre-existing drainage characteristics, flushing characteristics, sediment patterns, flow patterns, and flood retention capabilities;
(b) the lowering of the water level or water table;
(c) the destruction of vegetation;
(d) the changing of water temperature, biological oxygen demand (BOD), and other physical, biological or chemical characteristics of the receiving water

Application- The forms, documents, and plans submitted to the Commission in order to request the approval of a Permit or Order. Unless and until the Commission creates forms specific to the Bylaw, applicants may use Wetlands Protection Act forms created by the Massachusetts Department of Environmental Protection ("DEP").

Appurtenance- Any structural or adjunct or incidental construct to a single family residential structure or on any parcel of land, such as a septic system, garage, shed, deck, porch, patio, swimming pool, tennis/basketball courts, driveway, or sidewalk. Exclusions include, without limitations, lawns, landscaped areas, orchards, gardens, fields, pastures, paddocks, and in-ground sprinkler systems.

Aquatic Life Habitat- The ecological or environmental area particular to aquatic ecosystems and necessary for the function and well-being of aquatic life forms.

Area Subject to Storm Flowage (ASSF)- This shall include Drainage Ditch/Swales and channels that lead into, out of, pass through or connect other Wetlands or Waterbodies less than 1/4 acre-

foot in size, and that carry flows resulting from storm events, but may remain relatively dry at other times and does not convey groundwater.

Avoid/Avoidance- To keep Work completely outside of Jurisdictional Areas.

Bankfull Condition- Synonymous with Mean Annual High Water (MAHW) and shall be commensurate with the term as used in 310 CMR 10.58(2).

Commute- To replace with something else.

Consultant- Synonymous with Qualified Professional, normally related to third party peer review under MGL c.44, §53G.

Control/Controlling- To regulate or govern by law; in this case, for the Conservation Commission to carry out MGL c.131, §40, 310 CMR 10.00, and Bylaw 12 of the Sutton General Bylaws.

Cumulative- Gradually building up: becoming successively larger; in this case normally related to Impact.

Day of Discovery- The day which a violation of this Bylaw is found to be present.

Discharge- Without limitation, any overland water or groundwater that empties into a Resource Area or its Adjacent Upland Resource Area.

Distance- All distances noted in this Bylaw (excluding depth), such as the distance between the outermost boundary of a Resource Area and outermost boundary of its associated Adjacent Upland Resource Area, are planar distances measured along a single elevation and without regard for topography.

Drainage Ditch/Swale: A man -made, channelized conveyance system normally created to convey surface or groundwater away from a developed area, such as a road, driveway, parking lot, roof, agricultural field or the like. If a Stream/Intermittent stream flows into a Drainage Ditch/Swale, that portion of the channel below the confluence shall be considered a Stream/Intermittent Stream.

Emergency- Sudden and unexpected event or condition, normally associated with public health and safety, that must be dealt with so urgently that the normal permitting process as described in this Bylaw must be bypassed.

Effective Date- June 1, 1983.

Existing- The condition in place as of the Effective Date of this Bylaw or the date of an Application.

Functions- The intrinsic, nature-governed actions of a Resource Area or its Habitat that contribute to its Value to the Public as a whole.

Great Pond- Waterbodies which contain or contained more than ten acres in their natural state, as listed by DEP, and which are subject to the jurisdiction of MGL c. 91. In this case, Lake Singletary, Manchaug Pond, and Ramshorn Pond. Further, this Bylaw shall consider Stevens Pond as a Great Pond although it is not listed by DEP as such.

Habitat- An ecological or environmental area that is inhabited by a particular species of animal, plant, or other type of organism. It is the natural environment in which an organism lives, or the physical environment that surrounds a species population. In this case, normally associated with Aquatic Life Habitat and Wildlife Habitat.

Illegal- As it pertains to this Bylaw, any Activity or Alteration not duly permitted by the Conservation Commission, or exempted under §12.4 of this Bylaw.

Impact- To have an effect on a Resource Area by Work, Activity, or Alteration.

Impracticable- A fact or circumstance that excuses a party from performing an act because it would cause extreme and unreasonable difficulty or hardship.

In-Kind- In the same way. In the context of a structure repair or replacement, it means that the nature, location, and footprint will remain the same as before said repair or replacement.

Inactive- Not in use or operation, especially in regards to being Maintained.

Individual- Pertaining to a single location or instance.

Jurisdictional Area- One or more of the Areas Subject to Protection under the Bylaw/ Resource Areas under the Bylaw.

Maintain/Maintained- To keep functional and in good repair or otherwise keep in a static state and not a Natural State. In the case of lawns, landscaped areas, fields, gardens, orchards, pastures, and paddocks, it means to continually cut herbaceous vegetation so that new woody vegetation is suppressed. When an area as just described has not been Maintained and therefore Inactive for a 5yr. or greater period*, it is no longer considered Maintained and loses any Conditional Exemptions/Exceptions it may have enjoyed in the past. If, in the opinion of the Commission an area has reverted to a Natural State prior to the 5yr. period, said area loses its Maintain/Maintained status.

*The "5yr. or greater period" is a reference to Agriculture as found in 310 CMR 10.04 and meant to be a corollary, but in this case is not limited to Agriculture/Land in Production.

Mean Annual High Water (MAHW)-

a) Within the context of a river, MAHW is synonymous with Bankfull Condition and the definition of MAHW shall be commensurate with that found in 310 CMR 10.58(2);
b) Within the context of Great Ponds, lakes, and ponds, the MAHW shall be commensurate with the term Bankfull Condition and shall be the line that is apparent from visible markings or changes in the character of soils or vegetation due to the prolonged presence of water and may not necessarily be located at a defined break in slope.

Minimal- In the opinion of the Commission, Minimal means Impact that is so small as to be non-significant to the Functions and Values of Resource Areas as they relate to the Public Interests.

Mitigate/Mitigation- Shall be commensurate with 310 CMR 10.04. Further, to lessen the impact of an Activity, Alteration, or Project so the effects on Resource Areas are no longer considered an Adverse Impact.

Most Years- Normally within the context of Vernal Pools, most years shall mean three (3) out of five (5) years, which means that the Commission shall have the right to require investigation of the presence or absence of a vernal pool for up to 5 years.

Natural State- An unmaintained condition in which an area is untouched by human intervention or no longer meets the definition of Maintain/Maintained.

Necessary- Required: indispensable to achieve a specific result.

Perennial River- Shall be consistent with the definition of River, including the ability to overcome the presumption of perenniality, as found in 310 CMR 10.58(2) except that it need not empty into any ocean, lake, pond, or other river.

Permit- Synonymous with Order as found in 310 CMR 10.04.

Pre-Existing- Means in place prior to the enactment of Bylaw12.

Project- An activity with a functional purpose (e.g. construction of a single-family house, expansion of a commercial development, dealing with an Emergency to public health and safety).

Public- Relating or belonging to an entire community; in this case, the Town of Sutton.

Public Interests- The general welfare that warrants recognition, protection, and something in which the public as a whole has a stake.

Qualified Professional- A Person having earned a college degree(s) in an area of study directly related to wetlands science and engineering and having a minimum of 3 years' demonstrable field experience of actual hands-on expertise in delineating, assessing, analyzing wetlands and their hydrologic, soil(s), biological, zoological and botanical characteristics, functions and values, and having a current working knowledge of all facets of the MGL c. 131, §40 and 310 CMR 10.00, DEP Wetlands Program Policies, and this Bylaw. The Commission may otherwise

accept and act upon creditable information presented by a Person(s) other than a Qualified Professional, as defined herein, at its discretion.

Random- An Activity, Alteration, or Work for which an applicant does not specify in the application the entire Project proposed or contemplated by the Applicant or in which the purpose of the Activity, Alteration, or Work cannot be determined.

Recreation- In activity that a person takes part in for pleasure or relaxation. It may include active recreation, such as hiking, or passive recreation such as bird watching.

Restore/Restoration- To return to a previous condition, normally, a better condition.

Scope/Scope of Work- An accurate, detailed, and concise description of the Work to be performed as part of any Activity, Alteration, or Project. The Scope of Work includes the entire Project, and not merely a segment of such (e.g. the entire subdivision, including proposed house, well, and septic system placement and not just road infrastructure).

Significant- Plays a role. Within the context of Resource Areas under MGL c. 131, §40 and 310 CMR 10.00 or Resource Areas under the Bylaw, they are significant if they play a role in the protection, as appropriate, of one or more Public Interests. Within the context of determining Impact or Adverse Impact, significant means more than Minimal.

Spring- March 20 to June 20 of any given year.

Statement of Impact Avoidance and Minimization- A portion of the narrative required in §12.5(B) which requires that an applicant satisfactorily demonstrate to the Commission that all probable Impacts to Resource Areas have been avoided to the maximum extent practicable, and where Impacts could not be avoided, that the Impacts to Resource Area(s) Functions and Values have been reduced to the maximum extent practicable so as not to result in Adverse Impact.

Stream/Intermittent Stream- The definition of stream shall be consistent with that found in 310 CMR 10.04 except a stream need not flow within, into or out of a Resource Area. It may stand alone without the accompaniment of a Resource Area (e.g. streams may occur upgradient of Wetlands or may exist without any wetland present whatsoever). Further, streams and intermittent streams may be supplied by either surface water runoff or groundwater, as opposed to ASSF's, which convey only surface water runoff. Intermittent streams dry at least once per year. If a Stream/Intermittent stream flows into a Drainage Ditch/Swale, that portion of the channel below the confluence shall be considered a Stream/Intermittent Stream.

Summer- June 21 to September 23 of any given year.

Threshold- Those established in 310 CMR 10.54(4)(a)4., 10.57(4)(a)3. and 10.58(4)(d)1.c. which establish quantitative numbers, below which alterations to Resource Areas are not deemed to impair capacity to provide important wildlife habitat functions.

Unavoidable- Impracticable to avoid.

Undesirable/Undesirable Alteration- Any Work, Activity, Alteration, or Project that poses an individual Adverse or Cumulative Impact.

Unreasonable- Not guided by reason; irrational or capricious.

Value- The importance or worth of one or more of a Resource Area or Habitat's Functions to the Public.

Vernal Pool- A confined basin, which need not be located within another Resource Area, and which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, are free of adult fish populations, and are further identified by the species of fauna that utilize them. The method for determining the fauna necessary to classify a vernal pool shall be that used by the Massachusetts Division of Fisheries & Wildlife, as amended from time to time. The outermost boundary of the Vernal Pool is the line that is apparent from visible markings or changes in the character of soils or vegetation due to the prolonged presence of water, or by using procedures outlined in 310 CMR 10.57(2)(b)(3) for Isolated Land Subject to Flooding. A vernal pool may have a permanent inlet, but may not have a permanent outlet. The Resource Area of Bank does not apply to Vernal Pool under this definition. The Vernal Pool need not be certified by the Massachusetts Division of Fisheries & Wildlife to be classified as such and receive protection under this Bylaw.

Waterbodies less than 1/4 acre-foot in size- An isolated area, which need not be located within another Resource Area, that provides temporary storage for water and where runoff and high groundwater pond and slowly evaporate or infiltrate into the ground. They are not Vernal Pools in that the requisite aquatic life components are not found and are mainly, but not necessarily limited to flood control functions.

Wetland- As defined in 310 CMR 10.55(2), except that they shall not be limited to those that border on creeks, rivers, ponds, and lakes, but may be isolated in nature.

Work- Pertains to duties to be performed in association with Activities, Alterations, and/or Projects.

Section 12-4. Conditional Exceptions

A. An Application and Permit required by this Bylaw shall not be required for in-kind maintenance or repairs to Pre-Existing or duly Permitted structures, Appurtenances, or Maintained areas.

B. An Application and Permit required by this Bylaw shall not be required for normal maintenance or improvement of land in agricultural and aquacultural use defined under 310 CMR 10.04

C. An Application and Permit required by this Bylaw shall not be required for emergency projects necessary for the protection of health and safety of the public, provided the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a

political subdivision thereof; provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; provided that the Commission certifies the work as an emergency project; provided that the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; and provided that within 30 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided in this Bylaw. Failure to meet these and other requirements, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

D. Other than stated in this Bylaw, the exceptions provided in MGL c.131, §40 and 310 CMR 10.00 shall not apply under this Bylaw.

Section 12-5. Applications for Permits

A. Written application ("Application") shall be filed with the Commission to perform all related Work associated with Activities, Alterations, and/or Projects affecting any Resource Area(s). The Application shall contain such plans and analysis deemed necessary by the Commission, and as specified in this Bylaw and its Regulations, which describe the proposed Work, Activities, Alteration(s) or Projects and their effect on Resource Area(s).

B. All Applications shall contain a written project description/work narrative, as well as a Statement of Impact Avoidance and Minimization in sufficient detail that describes the entire Scope of any/all proposed Work, Activity Alteration, or Project(s) associated with the Application;

C. The provisions of the DEP Stormwater Management Standards shall apply to those projects described at 310 CMR 10.05(6)(l). At its discretion, the Commission shall have the authority to require studies, to its satisfaction, for projects described at 310 CMR 10.05(6)(l), even if they do not discharge to a Critical Area as defined in 310 CMR 10.04. Examples of required studies would include the 100 year analysis for stormwater runoff associated with a single family house or small (4 or fewer lots) subdivision.

D. The Commission shall have the authority to require studies beyond those mentioned above for any Work, Activity, Alteration, or Project within a Resource Area, regardless of size, scope, or Threshold found in 310 CMR 10.00 and as defined in this Bylaw, to be conducted by a Qualified Professional. The decision shall be based upon the Commission's estimation of the importance of the Resource Area under consideration in relation to the Public Interests. Examples may include, but not necessarily be limited to, Type A or B wildlife habitat evaluations (at the Commission's discretion), hydraulic/hydrologic studies of rivers and streams, and floodplain studies.

E. For the purposes of this Bylaw, the Commission may accept the Notice of Intent form or other forms filed pursuant to MGL c.131 §40 and 310 CMR 10.00, which shall be sent by certified mail to the Commission, accompanied with the appropriate fee(s), payable to the Town of Sutton.

F. All Application(s) shall be filed concurrently with (or after) any other application(s) for variances and approvals required by any other Town Board or Commission or under their Regulations, or after any such permit(s) have been issued, unless the Commission so decides to waive this requirement. The Commission shall have the conditional prerogative of withholding its final decision until all relevant or related permits are issued. Should an applicant have already filed and received a permit from another Town Board or Commission under their Regulations, the Commission shall not be held to conformance with those permits already received.
G. No work, Alteration(s) or Activities shall commence without receiving and complying with a Permit processed and issued pursuant to this Bylaw.
H. Unless and until the Commission creates separate application forms for projects jurisdictional under this Bylaw only, the Commission shall accept forms under 310 CMR 10.00 (e.g. WPA Form 3- Notice of Intent);
I. No parcel of land shall be considered buildable unless the buildings(s), well and septic system are located in contiguous upland acreage equal to the minimum required lot area for the zoning district where the lot is located.

Section 12-6. Fees

A. At the time of an application, the applicant shall pay a filing fee, called the Bylaw Filing Fee, specified in regulations of the Commission. The Bylaw Filing Fee is in addition to that required by the Wetlands Protection Act and 310 CMR 10.00. Pursuant to G.L. Ch. 44 §53G and regulations promulgated by the Commission, the Commission may impose reasonable fees upon applicants for the purpose of securing outside consultants including engineers, wetlands scientists, wildlife biologists or other experts in order to aid in the review of proposed projects. Such funds shall be deposited with the town treasurer, who shall create an account specifically for this purpose.

B. Town, County, State, and Federal projects are exempt from the Bylaw Filing Fee. The Commission may waive or decrease the filing fee for non-exempt persons, parties, or entities at its discretion. Filing with the Commission does not relieve any person, party, or entity, from filing for permits also required at the local, state, or federal level.

C. The Commission shall provide the applicant with the Consultant Fee Schedule, to be specified in regulations of the Commission, and which shall also act as the contractual fee schedule for said Consultant. Any unused portions of collected fee(s) shall be returned to the applicant following issuance of a finding (e.g. Determination of Applicability) or a final Certificate of Compliance, unless the Commission, at a public hearing, decides that additional services and information will be required (e.g. pre-application meeting, construction monitoring). Procedures for the hiring and payment of a Qualified Professional shall be in accordance with MGL c.44, §53G and Rules and Regulations promulgated by the Commission in accordance therefore.

D. Only costs relating to consultant work done in connection with a Project for which a consultant fee has been collected shall be paid from this account, and expenditures may be made at the sole discretion of the Commission. Any consultant hired under this provision shall be selected by, and report exclusively to, the Commission. The Commission shall provide applicants with written notice of the selection of a consultant,

identifying the consultant, the amount of the fee to be charged to the applicant, and a request for payment of that fee. Notice shall be deemed to have been given on the date it is mailed or delivered. The applicant may withdraw the application or request within five (5) business days of the date notice is given without incurring any costs or expenses.

E. Specific Consultant services may include, but are not limited to interpretation of Work, Activity, Alteration, or a Project's compliance with MGL c.131, §40, 310 CMR 10.00, Bylaw 12 (i.e. this Bylaw), Resource Area(s) survey and delineation and delineation review, analyses of Resource Area(s) Functions and Values, including but not necessarily limited to wildlife, plant and aquatic habitat evaluations, invasive species and eradication plans and plan review, hydrogeologic, soils and drainage analysis, environmental or land use law, and interpretation(s) thereof, as well as stormwater, erosion and sedimentation control review and associated inspections of on-going construction, attending pre-construction meetings, inspections for Certificates of Compliance, presentations at public hearings and meetings to the Commission of findings and opinions in the form of reports, memos, photos, videos, GIS and computer services, and coordination of any of the above.

F. All fees that are shared with the Commonwealth of Massachusetts, when paid, shall be placed and held in the Sutton Wetlands Protections Fund, so constituted, pursuant to GL c.43 §218 of the Acts of 1997 (Amending GL c.131 §40). Fees required solely under this Bylaw shall be deposited in a 'revolving fund' pursuant to GL c.44 §53 1/2. These fees shall include all Application fees, related and any prorated fees, or fees of any kind. Payment of the Consultant Fee schedule shall be placed in a Section 53G account, and shall be made at the time of application. The Consultant Fee may be amended from time to time in light of contemporary, competitive rates.

G. The entire fee must be received before the initiation of consulting services. Failure by the applicant to pay the requested fees above within ten (10) business days of the request for payment shall be cause for the Commission to declare the application administratively incomplete and deny the permit without prejudice, except in the case of an appeal. The Commission shall inform the applicant and DEP of such a decision in writing.

H. The applicant may appeal the selection of an outside consultant to the Board of Selectmen, who may disqualify the consultant only on the grounds that the consultant has a conflict of interest or is not properly qualified. The minimum qualifications shall consist of either an educational degree or three or more years of practice in the field at issue, or a related field. The applicant shall make such an appeal in writing, and must be received within ten (10) business days of the date that request for consultant fees was made by the Commission. Such appeal shall extend the applicable time limits for action upon the application.

Section 12-7. Notice and Hearings

A. Procedures related to Notices and Hearings shall be commensurate with those found in MGL c.131, §40 and 310 CMR 10.00, as may be amended from time to time, except that notification to abutters shall be extended to 300 feet from the property line.

B. To the extent permitted by law, by submitting an Application, an applicant is deemed to consent to entry onto the property that is the subject of the Application, by the Commission, its agents or Consultants, officers, members and employees during reasonable times, and upon reasonable notice, without such entry being deemed a trespass, for the purpose of performing their duties under this Bylaw.

Section 12-8. Permits, Conditions & Denials

A. If the Commission, after a public hearing, determines that the Work, Activities, Alterations, and/or Project which are the subject of the application are likely to have an Individual or Cumulative Impact, Adverse or no, upon the Functions and Values of Resource Areas as they relate to the Public Interests, the Commission shall within twenty one (21) days of the close of the hearing issue or deny a Permit for the Work, Activities, Alterations, and/or Project requested. The Commission shall impose conditions which it deems necessary or desirable for the protection of the Public Interests, and all Work, Activities, Alterations, and/or Projects shall be performed in accordance with those conditions. A Permit may identify requirements that shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all current and future owners of the land.

B. The Commission shall have the authority to impose conditions upon Determinations of Applicability if work is proposed within a Resource Area.

C. When making a determination to issue a Permit or denial, the Commission shall take into consideration the extent to which the applicant has avoided, minimized, and mitigated Individual or Cumulative Adverse Impacts for any such Work, Activity, Alteration, or Project. The Commission shall also take into account the individual or Cumulative Impacts to Resource Areas throughout the municipality as they relate to the application under consideration, resulting from past activities, permitted and exempt, and foreseeable future activities.

D. Where no conditions are adequate to protect said Resource Areas, the Commission is empowered to deny a Permit for failure to meet the requirements of this Bylaw. It may also deny a Permit: for failure to submit necessary information and plans requested by the Commission; for failure to comply with the procedures, design specifications, performance standards, and other requirements in this Bylaw or Regulations of the Commission; for failure to avoid when practicable, or adequately minimize and mitigate when avoidance is not practicable, for Adverse Individual or Cumulative Impact upon the Functions and Values of Resource Areas as they relate to the Public Interests described in this Bylaw.

E. To the extent permitted by law, the Commission shall have the right to inspect properties, without the prior consent of the applicant or owner, during reasonable hours, for compliance with an Order of Conditions, even if expired, until that Permit receives a full Certificate of Compliance. The Commission shall not have the right to inspect a property if the Order of Conditions has expired and work has not begun unless there is probable cause to inspect due to unlawful Work, Activities, Alterations, or Projects occurring or having occurred on said property.

F. For good cause, the Commission may revoke any Permit or any other Order, determination, or other decision issued under this Bylaw after notice to the holder, the public, the abutters, Town Boards, and a public hearing.

G. Amendments to Permits shall be handled in the manner set out 310 CMR 10.00 and the DEP Wetlands Program Policies.

H. Unless and until the Commission creates individual forms, the Permit, Certificate of Compliance, Notice of Violation, or Enforcement Order issued under this Bylaw may use the DEP Wetlands and Waterways Program forms for such.

Section 12-9. Hardship & Waivers

Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing. Upon written request by the applicant, the Commission may waive specifically identified and requested procedures, design specifications, performance standards, or other requirements from this Bylaw or Regulations of the Commission provided that: the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed Activity, Alterations, and/or Project to proceed in compliance with the Bylaw or Regulations of the Commission; that avoidance, minimization, and mitigation have been employed to the maximum extent Practicable; and that the waiver is necessary to accommodate an overriding Public Interest or to avoid a decision that so restricts the use of the property as to constitute a taking without just compensation.

Section 12-10. Rules & Regulations

A. After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate and clarify the purposes of this Bylaw effective when voted and filed with the Town Clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.

B. At a minimum, these regulations shall define key terms in this Bylaw not inconsistent with this Bylaw.

Section 12-11. Security

As part of a permit issued under this Bylaw, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

A. By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit.

B. By a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

Section 12-12. Enforcement

A. No person shall remove, fill, dredge, build upon, degrade or otherwise alter resource areas protected by this Bylaw or cause, suffer, or allow such activity or fill to be left in place or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this Bylaw without the required authorization pursuant to this Bylaw.

B. The Commission, its agents, officers and employees shall have authority, to the extent provided by the constitutions and laws of the United States and the Commonwealth or with prior approval from the property owner, to enter upon privately owned land for the purpose of performing their duties under this Bylaw and may make or cause to be made such examinations, surveys or sampling as the Commission deems necessary.
C. The Commission shall have authority to enforce this Bylaw, its rules and regulations and Permits issued thereunder by violation notices, administrative orders (i.e. cease & desist order), Enforcement Orders, non-criminal citations pursuant to Subsection G below, and civil and criminal court actions. Any person who violates provisions of this Bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations.
D. Upon request of the Commission, the Board of Selectmen and the Town Counsel may take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police may take legal action for enforcement under criminal law.
E. Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.
F. Any person who violates any provision of this Bylaw, regulation thereunder, or permits or administrative orders issued thereunder, may be punished by a fine of not more than $300, beginning, at the Commission's discretion, on the Day of Discovery. Each day or portion thereof during which a violation continues, or unauthorized fill remains in place, shall constitute a separate offense, and each provision of the Bylaw, regulations, permit or order violated shall constitute a separate offense. Fines may end when a written plan to Restore the affected area has been presented or accepted by the Commission, or an application for Permit received.
G. Non-criminal disposition- In addition to the procedures for enforcement as described above, the provisions of this Bylaw may also be enforced by non-criminal complaint pursuant to the provisions of MGL c. 40, § 21D and Section 19.2.2 of the Town General Bylaws. The enforcement agent shall be the conservation agent or designee (e.g. Conservation Commissioner or consultant to the Commission) or police officer. The penalty for violation of any provision of this Bylaw shall be $300 for the Day of Discovery, and each day the violation continues pursuant to subsection F above.
H. Any Person who purchases, inherits, or otherwise acquires real estate upon which work has been done in violation of the provisions of this Bylaw or in violation of any Permit issued pursuant to this Bylaw shall comply with any such order or Restore such land to its condition prior to any such violation. No action, civil or criminal, shall be brought against such Person provided that that such Person files a Notice of Intent and receives and records a duly issued Order of Conditions.
I. Upon written appeal for good reason, the Commission may, at its discretion and at a public hearing, reduce or commute fines resulting from violations of this Bylaw.

Section 12-13. Burden of Proof
The applicant for a Permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not present individual or cumulative Adverse Impact as defined by this Bylaw to a Resource Area or Bylaw Resource Area as they relate to the stated Public Interests.

Section 12-14. Appeals
A decision of the Commission shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with MGL c. 249, §4.

Section 12-15. Relation to the Wetlands Protection Act
This Bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act (MGL c.131, §40) and its Regulations (310 CMR 10.00) thereunder. It is the intention of this Bylaw that the purposes, jurisdiction, authority, exemptions, rules and regulations, specifications, standards, and other requirements shall be interpreted and administered as stricter than those under MGL c. 131, §40 and 310 CMR 10.00.

Section 12-16. Severability
The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, approval or determination which previously has been issued.

Adopted: June 1, 1983
Amended: 1/85, 5/8/00, 10/16/00, 5/10/04, 5/11/09, 5/9/11
Revised; May 11, 2015

BYLAW 13. STREET NUMBERING

All single or multi-family dwellings, industrial or commercial buildings shall be conspicuously marked with identifying numbers legible from a public street or access road, said numbers shall be assigned by the Board of Assessors. To the extent not legible from a public street or access road, said identifying numbers shall also be posted on a mailbox, post or pole so as to be legible from a public street or access road. Numbers shall be a minimum size of 3" on a residential house and 6" on an industrial or commercial building and of opposing color to the color of the structure. The Board of Assessors, in their discretion, may also assign numbers to any building on any street.

Adopted: April 18, 1987
Amended: 5/14/07
Revised: Oct. 20, 2014

BYLAW 14. COUNCIL ON AGING

Section 14.1 – General Provisions
There shall be a Council On Aging as provided in G.L. c.40, §8B.

Section 14.2 – Membership
The Council On Aging shall consist of seven (7) members appointed by the Board of Selectmen for three (3) year terms, so arranged that as equal as possible a number of terms shall expire each year.

Section 14.3 – Powers & Duties
The Council On Aging shall coordinate and carry out programs designed to address the issues of the Towns' elder citizens in coordination with programs of the Mass. Department of Elder Affairs. The Council shall submit an annual report to the Town and shall send a copy thereof to the Department of Elder Affairs.

Section 14.4 – Alternate Members
The Council On Aging shall also consist of three (3) alternate members appointed by the Board of Selectmen for three (3) year terms. Alternate members may speak on any issue that comes before the Council but may not vote. The purpose of alternate members is to be available for consideration as full members if and when a vacancy should occur.

Adopted: 10/17/88
Amended: 5/3/93, 5/13/02
Revised: Oct. 20, 2014

BYLAW 15. SCENIC ROAD

Purpose: The purpose of this article is to ensure compliance with G.L. c.40 §15C and G.L. c.87, with respect to protection of trees and stone walls along, and within the right of way of Scenic Roadways and public roadways in the Town.

Section 15.1 - Definitions

15.1.1 "Road" shall mean a right-of-way or any way laid out or used and maintained as a public way plus necessary appurtenances within the right-of-way such as bridge structures, drainage systems, retaining walls, traffic control devices and sidewalks, but not intersecting streets or driveways.

15.1.2 "Repair, Maintenance, Reconstruction, or Paving Work" shall mean any work within the right-of-way by any person or agency, public or private. This includes any work on any portion of the right-of-way which was not physically finished at the time the road was designated as a Scenic Road. Construction of new driveways or alterations of existing one is also included, insofar as it takes place within the right-of-way.

15.1.3 "Tearing Down or Destruction of Stone Walls" shall mean altering the stone wall in any way within or along the boundary of a right-of-way.

Section 15.2 - Purpose
These regulations are intended to ensure that;

15.2.1 Roads will be recommended for designation as Scenic Roads on stated criteria;

15.2.2 Roads so designated will not be altered without following proper procedures and without adherence to proper consideration;

15.2.3 Roads as designated will not be altered by the decision of any person, organization, or agency other than the Planning Board.

Section 15.3 – Procedures - Designation as a Scenic Road

15.3.1 Any person or group of persons may request that the Planning Board, Conservation Commission or Historical Commission take the necessary steps to petition Town Meeting or a group of citizens may petition Town Meeting pursuant to the requirements of G.L. c. 39, §10, to designate any road or portion thereof located within the Town as a Scenic Road pursuant to G.L. c. 40, §15C and this Bylaw. A citizen petition to Town Meeting shall be treated as a request to the Planning Board, which shall make a recommendation upon any such request prior to the date of the Town Meeting, if feasible.

15.3.2 The Planning Board~~,~~ Conservation Commission, or Historical Commission may in determining which roads or portions of roads should be recommended for designation as Scenic Roads, consider the following criteria:

a. Roads bordered by trees of exceptional quality;
b. Roads bordered by stone walls;
c. Roads bordered by any other natural or man-made features of aesthetic or historical value;
d. Roads for which alteration is being planned or is likely to be planned in the future.

Section 15.4 - Notification of Designation as Scenic Road

15.4.1 The Planning Board shall take the following steps within thirty (30) days after a road (s) has been designated a Scenic Road:

a. Notify all municipal departments that may take any action with respect to the road (s);
b. Notify the Mass. Department of Public Works;
c. Publish in a paper having circulation within the Town notice that the road(s) have been so designated;
d. Indicate such information on all maps currently in use or planned by municipal departments
e. Notify all utility companies or other such parties who may do work along the border of such roads.

Section 15.5 – Procedures – Work on Scenic Roads

15.5.1 No person shall conduct any repair, maintenance, reconstruction or paving work on any Scenic Road in the Town, if the work involves the cutting or removal

of trees or the tearing down or destruction of stone walls, or portions thereof, without the prior written consent of the Planning Board.

15.5.2 Any person, organization, state, or municipal agency seeking the written consent of the Planning Board regarding the cutting or removal of trees or the tearing down or destruction of stone walls, or portions thereof, shall file a written request with the Planning Board together with the following:

a. Text of a legal notice identifying the location of the proposed action in terms enabling the readers to locate the area with reasonable accuracy and a description of the proposed changes to trees, stone walls, natural surroundings, man-made objects or features;
b. A statement of the purpose(s) for such changes;
c. A list of owners of properties, as certified by the board of assessors, abutting on the Scenic Road within one hundred (100) feet of the proposed action;
d. A fee, as established by the Planning Board, to cover the cost of advertising, notification, and administration;
e. Any further explanatory material useful to adequately inform the Planning Board.

15.5.2 Notice
The Planning Board shall, as required by statute, give notice of the time, date, place and purpose of its public hearing by advertising twice in a newspaper of general circulation in the area, with the last publication occurring at least seven (7) days prior to the date of the public hearing. The public hearing may coincide with the hearing(s) for proposed construction of homes or other buildings. Copies of the notice of public hearing shall also be sent to the Board of Selectmen, Conservation Commission, Historical Commission, Highway Superintendent, Tree Warden, and abutters within one hundred (100) feet of the proposed action.

15.5.3 Time of Hearing
The Planning Board shall hold a public hearing within thirty (30) days of the Planning Board meeting at which a properly filed request is received.

15.5.4 Timing of Decision
The Planning Board shall make a decision on the request within twenty-one (21) days of the closing of the public hearing.

15.5.5 Public Shade Tree Law
Whenever possible, when a public hearing must be held under the provisions of this section and under G.L. c.87, §3 (Public Shade Trees) prior to the cutting or removal of a tree, such hearings shall be consolidated into a single public hearing before the Tree Warden and the Planning Board.

Section 15.6 - Considerations
The Planning Board's decision on any application for proposed action affecting sScenic Roads shall be based on consideration of the following:

1. Preservation of natural resources;
2. Environmental values;
3. Scenic and aesthetic characteristics;
4. Historical values;
5. Public Safety;
6. Mitigating actions proposed, such as replacement of trees or walls;
7. Other sound planning considerations.

Section 15.7 - General

15.7.1 Emergency/Hazard Considerations:
The Highway Superintendent, Tree Warden may take immediate action to remove trees or branches of any size during emergency situations such as fallen debris adjacent to or on roadways. This would also include trees or limbs of a threatening nature to existing or proposed electrical power lines that may jeopardize the safety of the public.

15.7.2 The Planning Board may adopt more detailed regulations for carrying out the provisions hereunder.

Section 15.8 – Violations

This Bylaw may be enforced by the Tree Warden, Building Commissioner or any Police Officer of the Town.

Whoever violates any provision of this Bylaw may be penalized by a noncriminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition Bylaw. If enforced through noncriminal disposition, any person who violates any provision of this bylaw shall be subject to a penalty in the amount of three hundred dollars ($300.00) per day for each day of violation. Each day or portion thereof and each tree or stone wall or portion thereof removed shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through any other lawful means.

Adopted: October 17, 1988
Amended: 10/18/04, 5/9/05, 10/18/10
Revised: Oct. 20, 2014

BYLAW 16. RENEWAL OR GRANTING OF CERTAIN LICENSES/ PERMITS

Section 16.1 – General Provisions

The Town Collector herein, referred to as "Collector" shall annually furnish to each department, board, or commission, 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, as to whether such applicant, hereinafter, referred to as the "Party" or that has neglected or refused to pay any local taxes, fees, assessments, betterment or other municipal charges, for not less than a twelve month period, and that such party has not filed in good faith a pending petition before the appellate tax board.

Section 16.2 – Licensing Authority Action

The Licensing Authority may deny, revoke, or suspend any license or permit, including renewals and transfers of any Party whose name appears on said list furnished to the Licensing Authority from the Collector or with respect to any activity, event or other matter which is the subject of 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 owned by any Party whose name appears on said list furnished to the Licensing Authority from the Collector; provided, however, that written notice is given to the party and the Collector, as required by applicable provisions of law, and the Party is given a hearing, to be held no 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 Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the Licensing Authority with respect to such denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this Bylaw shall not be re-issued or renewed until the Licensing Authority receives a certificate issued by the Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterment or other municipal charges payable to the Town as of the date of issuance of said certificate written verification.

Section 16.3 – Payment Agreements

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditional upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided however, that the holder be given notice and a hearing as required by applicable provisions of law.

Section 16.4 – Waivers

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

Section 16.5 – Exclusions

This section shall not apply to the following licenses and permits

1. Open burning, MGL Chapter 48, Section 13.
2. Bicycle Permits, MGL Chapter 85, Section 11A.

3. Sale of articles for charitable purposes, MGL Chapter101, Section 33.
4. Children Work Permits, MGL Chapter 149, Section 69.
5. Clubs, associations dispensing food and beverages licenses, MGL Chapter 140, Section 21E.
6. Dog Licenses, MGL Chapter 140, Section 137.
7. Fishing, Hunting, trapping licenses, MGL Chapter 131, Section 12.
8. Marriage Licenses, MGL Chapter 207, Section 28.
9. Theatrical events, public exhibition permits, MGL Chapter 140, Section 181.

Adopted: April 18, 1987
Revised: Oct. 20, 2014

BYLAW 17. REGULATION OF RECREATION CAMPS, OVERNIGHT CAMPS OR CABINS, MOTELS OR MOBILE HOME PARKS

Section 17.1 - Licensing

17.1.1 Any recreation camp, overnight camp or cabin, motel, or mobile home park in the Town shall be licensed annually by the Board of Health.

17.1.2 Such license shall be issued pursuant to the requirements of G.L. c.140 §32B.

17.1.3 Such license shall expire annually on December thirty-first.

Section 17.2 - Fee

17.2.1 The fee for any license issued under Section 17.1.1 of this Bylaw shall be $50.00 for each original or renewal license.

Section 17.3 - Rules and Regulations

17.3.1 The Board of Health may adopt, and from time to time alter or amend, rules and regulations to enforce G.L. c.140, §32B.

Adopted: February 15, 1989
Revised: Oct. 20, 2014

BYLAW 18. USE OF PUBLIC RIGHT OF WAY

Section 18.1 – Secured Rubbish In Transport

All rubbish being transported in the Town shall be secured by suitable means designed to prevent the escape of litter from the transporting vehicle.

Section 18.2 - Obstructing A Public Right of Way.

18.2.1 No person shall cause an obstruction to a public Right of Way in any of the following manners:

a. Plowing of snow into the public Right of Way.
b. Dispensing or allowing to be dispensed water or other substances into the public Right of Way.
c. Erection of any type of structure, including a fence or stone wall, in the public Right of Way.
d. Placing of rubbish or other items in the public Right of Way.
e. Parking of vehicles within the public Right of Way from the commencement of snow fall and/or freezing precipitation until 8 hours after the snow and/or freezing precipitation has ended.

The Town shall not be responsible for damage to any structures or items which have been placed or erected in the public Right of Way in violation of this Bylaw.

18.2.2 Enforcement and Penalty.
In addition to those enforcement agents identified in Article 19, General Administration, the Highway Superintendent and Building Commissioner shall be additional enforcement agents of this Bylaw. Any person who violates any provisions of this Bylaw shall be liable to a penalty not-exceeding $20.00 for each violation. Each day that such violation continues shall constitute a separate violation.

Adopted: May 1, 1989
Amended: 6/28/99, 5/10/04, 5/9/05
Revised: Oct. 20, 2014

BYLAW 19. GENERAL ADMINISTRATION

Section 19.1 - Budgets

The Town Manager shall submit a proposed operating budget to the Board of Selectmen ninety (90) days prior to the date on which the town meeting is to convene in its spring session; and to the Finance and Warrant Advisory Committee seventy-five (75) days before such meeting is to convene. The School Committee shall submit its proposed operating budget to the Town Manager at least one hundred (100) days prior to the date the town meeting is to convene in its spring session.

Section 19.2 – Enforcement

19.2.1 Criminal Complaint: Whoever violates any provision of these Bylaws may be penalized by indictment or on criminal complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense brought in such manner shall be three hundred dollars ($300.00). Each day on which any violation exists shall be deemed to be a separate offense.

19.2.2 Non-criminal Disposition: Whoever violates any provision of these Bylaws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in G.L. c.40, §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 specific penalties established herein, by a specific bylaw, or by a Town board or officer shall apply in such cases and that in addition to any police officer of the Town and the Town Manager, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed in a particular bylaw or regulation if any, shall also be enforcing persons for such purposes. Each day on which any violation exists shall be deemed to a separate offense.

General Bylaws

Wetlands Protection (Bylaw 12) (Designated Agents & Members of Conservation Commission, Building Commissioner)		
a) First Offense		Warning
b) Second Offense		$200.00
c) Third & Subsequent Offenses		$300.00
Trailers (Zoning enforcement officer)		$100.00
Earth Removal Bylaw (Planning Board)		$300.00
Unregistered Motor Vehicles		$100.00
Open Container Bylaw	first offense	$100.00
	Each subsequent offense	$300.00
Driveways (Highway Superintendent)		$ 20.00
Public Sewer Bylaw (Sewer commission and its agent)		$300.00
Entertainment Bylaw		$ 50.00
Use of Public Ways		$ 50.00
Obstructing A Public Way (Section 19.2) (Highway Superintendent, Building Commissioner)		$ 20.00

Non-Storm Water Discharges	first offense	$ 50.00
	2nd offense	$100.00
	subsequent offenses	$300.00
Solid Waste Haulers	first offense	warning
	2nd offense	$ 50.00
	subsequent offenses	$100.00
Sutton Zoning Bylaw (in its entirety) and Approvals and permits issued in accordance with said Bylaws	first offense	$ 50.00
	2nd offense	$100.00
	3rd offense	$300.00

Adopted: May 1, 1989
Amended: 5/ 8/90, 10/15/90, 5/6/91, 6/2/99, 10/20/03, 5/9/05, 5/11/09
Revised: Oct. 20, 2014
Amended: May 11, 2015

BYLAW 20. USE OF PRIVATE WAYS

Section 20.1 - Temporary Repairs to Private Ways

20.1.1 The Town may make temporary repairs on private ways which have been open to public use for a period of six (6) consecutive years or more, provided the repairs are for the protection of the health and safety of the general public using such private ways, subject to the provisions of this Bylaw.

20.1.2 No repairs shall be made on private ways that have not been released from covenant and/or bond.

Section 20.2 - Minor Temporary Repairs

20.2.1 The Town may make minor temporary repairs upon a private way in the Town. Such repairs shall be made only after the board of selectmen determines that, based on recommendation from the highway superintendent, the repairs are required by public necessity. No petition by abutters shall be necessary for the Town to make such minor repairs.

20.2.2 Minor temporary repairs shall include the filling of holes in the subsurface of such ways and repairs to the surface materials thereof. Materials for such repairs, where practical, should be the same as, or similar to, those used for the existing surfaces of such ways, but may include surfacing the ways with bituminous materials, including but not limited to bituminous concrete.

20.2.3 Minor temporary repairs shall be limited to minor work such as filling, patching and not more than grading or scraping twice per year. Such repairs shall not include surfacing, resurfacing, installation of drainage of any kind or the original construction of sidewalks, curbing or street construction.

20.2.4 The cost of such minor temporary repairs shall be borne entirely by the Town, subject to funds being available through an appropriation voted by the Town; no betterment shall be assessed against the abutters; and, no cash deposit shall be required.

Section 20.3 - Major Temporary Repairs

20.3.1 The Town may make major temporary repairs on a private way in the Town. Such repairs shall be made only after a petition has been filed in the office of the board of selectmen. Such petition shall identify the repairs to be made and shall be signed by the owners of no less than fifty (50) percent of the lineal frontage of said way. Following the submission of said petition, the board of selectmen shall conduct a public hearing, at which hearing interested persons may present evidence relative to the petition.

No repairs shall be made until the board, by a majority vote of its members, and following such hearing, determines that such repairs are required by public necessity, and until the town meeting has appropriated funds for such repairs.

20.3.2 Following such determination by the board that said repairs are a public necessity, the board shall issue an order stating on its face that betterment are to be assessed upon the owners of estates which derive particular benefit or advantage from making of such repairs.

Such assessment shall be a sum equal, in the aggregate, to the total cost of such repairs, and, in the case of each estate, shall be in proportion to the frontage thereof upon such private way.

20.3.3 Such repairs may include surfacing, resurfacing and the installation of drainage, but shall not include the original construction of sidewalks, curbing or street construction. No cash deposit shall be required.

20.3.4 Drainage easements, if necessary, shall be the responsibility of the petitioners.

Section 20.4 - Assessments

20.4.1 Except as herein otherwise provided, the provisions of G.L. c.80, as it relates to public improvements and assessments therefor, shall apply to major temporary repairs, as defined in this Bylaw, to private ways where such repairs are ordered to be made under authority of this Bylaw.

20.4.2 Any assessment made in accordance with the provisions of this Bylaw upon the owner of an estate shall be paid within six (6) months of the date that

such assessment is levied, where the total assessment is less than two hundred dollars ($200.00).

20.4.3 Where the total assessment amounts to two hundred dollars ($200.00) or more, the owner of the estate may divide the payment of such assessment into not more than ten (10) equal payments, the final installment payment to be made not later than five (5) years from the date of the levy of the assessment.
20.4.4 Assessments made under this Bylaw shall constitute a lien upon the land assessed in accordance with the provisions of G.L. c.80, §12.

Section 20.5 - Liability

20.5.1 In no event shall the Town be liable for bodily injury, death or damage to personal property caused by reason of a defect or want of repair in any private way.

20.5.2 The Town shall not be liable or accountable for any damage caused by repairs made pursuant to this Bylaw.

20.5.3 G.L. c.84, §25 shall not apply.

Adopted: October 9, 1989
Revised: Oct. 20, 2014

BYLAW 21. RECREATION COMMISSION

Section 21.1 – Composition; Term of Office
There shall be a Recreation Commission which shall consist of three (3) members appointed by the Selectmen for terms of three (3) years each so arranged that the term of one member shall expire each year.

Section 21.2 - Rules and Regulations
Subject to approval of the Board of Selectmen, the Recreation Commission is authorized to adopt such rules and regulations as it deems necessary for the operation and control of town-owned lands and buildings (except those controlled by the Sutton School Committee) used for recreational purposes.

Section 21.3 - Enforcement
Enforcement of rules and regulations and requisitions adopted pursuant to this Bylaw shall be according to the following procedures:

21.3.1 by seeking a criminal complaint in district court, the penalty for each violation shall be three hundred dollars ($300.00); and, each day on which a violation exists shall be a separate offense.

21.3.2 by seeking non-criminal disposition pursuant to G.L. c.40, §21D; the penalty for each violation shall be an amount established by such rules and regulations (not exceeding $300.00); and, each day on which a violation exists shall be deemed a separate offense.

Section 21.4 - Fees

The Recreation Commission may establish such fees as it deems necessary for the support and maintenance of the recreation programs it provides.

Adopted: May 6, 1991
Amended: 10/21/91, 1/20/00
Revised: Oct. 20, 2014

BYLAW 22. CEMETERY COMMISSION

Section 22.1 - Composition, Term of Office

There shall be a Cemetery Commission which shall consist of three members appointed by the Board of Selectmen for terms of three years each so arranged that the term of one member shall expire each year.

Section 22.2 - Powers and Duties

The Cemetery Commission shall have general charge and superintendence of all burial grounds within the Town and any land set aside by the town for cemetery purposes.

Adopted: May 4, 1992
Revised: Oct. 20, 2014

BYLAW 23. PERSONNEL REGULATIONS

Section 23.1 - Application And Purpose

23.1.1 - Application

All town departments and all positions in the town service, except elected officials and employees of the Sutton Public Schools shall be subject to the provisions of this Bylaw pursuant to the provisions of G.L. c. 41, §§ 108A & 108C.

23.1.2 – Other Agreements/Policies

To the extent that any provision of an approved collective-bargaining agreement conflicts with any provisions of this Bylaw with respect to employees covered by such labor agreement, the provision of the approved collective-bargaining agreement shall prevail.

23.1.3 – Policy Purpose
The principal purpose of this Bylaw is to establish a system of public personnel management for the Town of Sutton to support the program needs of town government. It is the intent of this Bylaw to provide means to recruit, develop and maintain a responsive work force. All personnel actions in the town service shall be made without regard to sex, race, religion, color, age, handicap, political affiliations or other non job-related factors and shall be based on merit and fitness.

Section 23.2 - Personnel Director
The Town Manager shall carry-out the duties of Personnel Director. The Personnel Director shall be responsible for the daily administration of the personnel system of town government, including the maintenance of personnel records and the enforcement of rules and regulations. The Town Manager shall have the right to delegate any portion of these duties to other employees, but shall retain responsibility for all such delegated functions and the performance of same in the event of a conflict such duties should be carried out by the Chairman of the Board of Selectmen.

Section 23.3 - Personnel Department; Duties of Director

23.3.1 – Personnel Director Described
The Personnel Director shall head up the Personnel Department and shall impartially and equitably oversee and direct the administrative and technical activities of the town's personnel management system.

23.3.2 – Personnel Director Duties
The Personnel Director shall:

(1) Oversee position classification and pay plans and direct the continuous administration of these plans, including periodic review of said plans by independent outside consultants, subject to the approval of the Town Manager, and adequate funding.

(2) Review, for budgetary purposes, annual salary costs.

(3) Direct the recruitment, testing, selection and hiring process of employees.

(4) Participate in employee contract and collective bargaining negotiations and promote and enforce policies and procedures for personnel administration.

(5) Supervise, develop and maintain personnel systems, forms, procedures and methods of record keeping.

(6) Maintain a roster of all persons in the town service.

(7) Direct employee orientation, training, counseling and career development in conjunction with the department heads.

(8) Administer these personnel policies, including the employee grievance procedure.

(9) Review, recommend and administer the employee performance evaluation process.

(10) Review, recommend and administer employee benefit programs, including group health and insurance coverage in compliance with G.L. c.32B.

(11) Encourage and exercise leadership in the development of effective personnel management within the several departments of town government and make the services of his/her office available to officers and employees.

(12) Keep department heads apprised of the need for effective manpower planning and utilization.

(13) Administer the total personnel management system of the town.

(14) Establish and maintain records of all officers and employees in town service.

(15) Provide information and services to the Board of Selectmen in all matters relating to personnel management to the extent of available resources.

(16) Render an annual report on the status of personnel management in town government to the Board of Selectmen.

(17) Perform any other lawful acts which are considered necessary or desirable to carry out the purpose of the central personnel system and the provisions of this Bylaw.

Section 23.4 - Personnel Bylaw Principles

23.4.1 - General

Consistent with the provisions of this Bylaw, the Town Manager is responsible for the daily administration of the town's personnel management system, including the maintenance of personnel records and enforcement of personnel rules and regulations. These rules and regulations shall be consistent with the principles outlined in Section 27.6 of this Bylaw.

23.4.2 – Review & Changes

This Personnel Bylaw may be reviewed from time to time. The Town Manager shall obtain approval from Town Meeting of all changes to this Bylaw.

Section 23.5 - Periodic Review Of Personnel Management System
The Town Manager shall initiate periodic reviews and evaluations of the town's personnel management system for conformance with this Bylaw and shall undertake those actions necessary to bring about conformance. The Town Manager may, from time to time, make recommendations for changes in this Bylaw as may be necessary or advisable.

Section 23.6 - Purpose And Policies

23.6.1 - Purpose

It is the purpose of this Bylaw to provide to department heads, supervisory personnel and employees the policies and procedures for assuring maintenance of an equitable personnel management system in the town. The policies and procedures for personnel administration set forth herein have as their purpose to promote the efficiency and economy of government, to promote the morale and well being of town employees and to promote equal employment opportunity for all candidates for employment by the town and for all its employees.

23.6.2 - Policy

(1) These personnel policies are based on the following principles:

(a) Recruiting, selecting, and advancing employees on the basis of their relative abilities, knowledge and skills.

(b) Providing equitable and adequate compensation.

(c) Training employees as needed to assure high-quality performance and to promote career development.

(d) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance and terminating employees whose inadequate performance cannot be corrected.

(e) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color national origin, age, sex, creed, handicap or any other non-merit factor, except where such factor is a bona fide occupational requirement, and with proper regard for their privacy and constitutional rights as citizens; prohibiting discrimination against any person on the basis of such non-merit factors.

(f) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

23.6.3 - Equal Employment Opportunity

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention or any other personnel action because of political affiliation, race, creed, color, national origin, age, sex, handicap or other non-merit factor will be prohibited except where such factor is a bona fide occupational requirement. Any employee who believes that he/she is aggrieved

may process an appeal in accordance with the Town's Equal Employment Opportunity Policy.

23.6.4 - Applicability Of These Policies
The rules and regulations contained in this Bylaw shall apply to all officers and employees, except elected officials and Sutton public schools. The policies reflected in these rules and regulations are not intended to be all-inclusive. Final discretion as to interpretation and as to the appropriate course of action concerning a personnel matter shall be that of the Town Manager or his/her designee.

23.6.5 - Other State Statutes
(1) Nothing contained in these rules and regulations shall be construed to conflict with any special law enacted for the Town of Sutton nor any provision of the State Constitution, or other state and federal statutes. To the extent that any apparent conflict exists, it shall be determined in favor of the higher state statute or provision of the State Constitution, and/or the Town of Sutton Home Rule Charter.

(2) In the event that a specific provision of this Personnel Bylaw should conflict with a provision of a collective-bargaining agreement adopted in conformance with GL c.150E, the provision of the collective-bargaining agreement shall prevail.

23.6.6 - Affirmative Action Policy Statement
The Town of Sutton will make every effort to recruit and hire qualified minority and female employees proportionate to the minority population of the town.

23.6.7 - Sexual Harassment & Gender Bias Policy Statement
(1) General Statement of Policy: The Town of Sutton does not discriminate on the basis of sex in employment opportunities, wages, hours, benefits, job advancement or any other terms or conditions of employment. It is the policy of the Town of Sutton that all employees shall have the same opportunities for professional development and experience regardless of gender. For further information, please see the Town of Sutton's sexual harassment policy.

Section 23.7 - Responsibility For Administration

23.7.1 - Personnel Director
Consistent with the provisions of Section 27.2 of this Bylaw, the Town Manager shall serve as Personnel Director for the Town of Sutton, and shall impartially and equitable oversee all personnel activities of town government in administering this Bylaw.

23.7.2 - Department Heads
Department heads are expected to supervise effectively their employees, to report in an approved manner upon the efficiency and performance of their subordinates,

to notify the Personnel Director of changes in duties of their employees in order that the classification plan will be maintained, to recommend salary increases, and to discipline employees where needed. Department heads shall recommend to the Personnel Director, as necessary, desirable changes in the personnel policies and procedures to improve administration of the personnel system. Department heads may establish such rules, regulations, policies and procedures as deemed necessary for the efficient and orderly administration of the department. Such rules must be on file with the Town Manager before they become effective and must be consistent with these personnel policies and procedures. Copies of department rules must be made available in the office of each department head for use by the employees.

23.7.3 - Employees
It shall be the responsibility of all employees to acquaint themselves thoroughly with the material in these personnel policies and any subsequent revisions. Employees shall also be responsible for knowing and understanding all policies, procedures, rules, or regulations in effect within his or her department. Employees are also encouraged to submit suggestions for changes and improvement in personnel policies and procedures for improvement of the personnel administration to their department head.

Section 23.8 - Definitions

As used in this Bylaw, the following terms shall have the meanings indicated:
COMPENSATION - The salary or wages earned by any employee by reason of service in the position, but does not include allowances for expenses authorized and incurred as incidents to employment.
COMPENSATORY TIME – Time earned by exempt employees for hours worked beyond the employee's regularly scheduled work week.
DEMOTION - The movement of an employee from a position in one class to a position in another class with a lower pay rate.
DEPARTMENT - A generic term meant to be applied to any department, board, committee, commission or any other body of town government in which persons are employed.
DISCHARGE or DISMISSAL - The permanent, involuntary termination of a person from town service.
DISCIPLINARY ACTION - An oral warning, written reprimand, suspension, demotion or dismissal taken by the appropriate authority.
EMERGENCY APPOINTMENT - A noncompetitive appointment made temporarily during an emergency for a period of up to thirty (30) workdays to prevent stoppage of public business or hazard or serious inconvenience to the public when appointment from an eligible list is not possible.
EMPLOYEE - A person occupying an approved municipal position or a person who is on authorized leave of absence.
EMPLOYEE: EXEMPT – Managers, professional staff, supervisors, and others whose duties and responsibilities allow then to be "exempt" from overtime pay provisions as provided by the Federal Fair Labor Standards Act (FLSA) and any applicable state laws.

EMPLOYEE: NON-EXEMPT – An employee, as defined by the Federal Fair Labor Standards Act (FLSA), who holds a position that is entitled to receive overtime pay.
EMPLOYEE: PERMANENT FULL-TIME – Any person required to work regularly for thirty-five (35) hours or more per week and 1,827 hours or more per year.
EMPLOYEE: PERMANENT PART-TIME – Any person who works less than 35 hours per week and 1,827 hours per year. Part-time employees regularly working twenty (20) hours or more per week and 1,044 hours or more per year shall be entitled to fringe benefits on a pro-rata basis, except for insurance where they shall receive benefits as a full-time employee.
EMPLOYEE: TEMPORARY – Any person who works on an irregular basis or for a specific project or season determined by the work load and/or climatic conditions. Temporary employees are not entitled to receive fringe benefits except as required by G.L. c. 32B.
EMPLOYMENT DATE - The date on which an employee commences performance of duties and is placed on the payroll, otherwise known as Date Of Hire.
EXAMINATION - All of the tests of fitness taken together that are applied to determine the fitness of applicants for positions.
GRIEVANCE - A dispute or disagreement between an employee and a supervisor over the employee's working conditions and/or the interpretation or application of a policy, rule or regulation.
INCUMBENT - The current occupant of a position.
LAYOFF - The separation of an employee because of lack of work or funds or other reasons not related to fault, delinquency or misconduct on the part of the employee.
LEAVE - An authorized absence from regularly scheduled work hours which has been approved by proper authority.
OVERTIME – Hours of work performed by an hourly employee in excess of forty (40) hours per week or other applicable amount as set forth by the Fair Labor Standards Act.
PERMANENT EMPLOYEE - An employee who has satisfactorily completed an individual probationary period and who is in an approved position in town service.
PERSONNEL ACTION - Any and all activities affecting any aspect of an employee's status, which include appointments and changes in appointments, original hiring, re-employment, transfer, promotion, demotion, changes in hours, reallocation, resignation, suspension, discharge, placement on leave, step increases, etc.
PERSONNEL DIRECTOR - The Town Manager or a person designated by the Town Manager to direct the town's personnel management system.
PERSONNEL OFFICE - The office of the Town Manager or other office designated by the Town Manager.
POSITION - A group of current duties and responsibilities assigned or delegated by appropriate authority to one (1) person.
PROBATIONARY PERIOD: NEW HIRE - A twelve (12) month period following appointment or hire during which an employee must demonstrate fitness for the position.
PROBATIONARY PERIOD: PROMOTION - A six (6) month period following promotion during which an employee must demonstrate fitness for the position.
REMOVAL - See "discharge" or "dismissal."
SUSPENSION - An involuntary absence without pay imposed on an employee for disciplinary action or pending the final outcome of an appeal.

Section 23.9 - Compensation System

23.9.1 - Pay Policy

(1) The Town Manager shall annually recommend to the Board of Selectmen, the Finance and Warrant Advisory Committee and Annual Town Meeting the rate of pay, including any wage/salary increase, for each position compensated by the Town.

(2) Longevity Pay. All non-union employees who are not covered under the terms of an existing employment agreement shall receive a stipend, paid once on or about September 1, in the year in which he or she completes the following length of service levels:

10 Years	Two Hundred Dollars ($200)
15 Years	Four Hundred Dollars ($400)
20 Years	Six Hundred Dollars ($600)
25 Years	Eight Hundred Dollars ($800)
30 Years	One Thousand Dollars ($1,000)

23.9.2 - Pay Administration

(1) Classification System:

Municipal positions, excluding School, elected positions and certain contractual positions shall be assigned to a wage and salary classification scale and grade schedule. Said position classifications shall be reviewed annually by the Town Manager to ensure efficiency. Positions covered by a collective bargaining agreement shall have compensation levels determined by said agreement.

(2) Step Placement – New Employees: Any employee hired after the adoption of this section 23.9.2 shall be placed in the minimum/starting step of his/her position's grade. Said employee may be placed in a step other than minimum/starting if the appointing authority determines that doing so is in the best interests of the Town provided, however, that said step shall not be greater than the third step of said position's grade and shall be subject to the approval of the Town Manager.

(3) Cost of Living Increases: In the event that a cost-of-living percentage increase is budgeted for and appropriated by Town Meeting, all municipal pay scales covered by this Bylaw shall be adjusted upward in accordance with the stated percentage. This action shall have no effect on step increases as described herein.

(4) Movement To Another Grade: Employees shall only move to another grade if his/her job description is amended to reflect changes in duties and responsibilities that require adjustment according to the point/factor rating system. Administration of this provision shall be the responsibility of the Town Manager.

Section 23.10 - Pay Period; Hours of Work; and Overtime/Compensatory Time

23.10.1 - Pay Period

(1) The pay period will be on a weekly basis and will commence at 12:00AM midnight Sunday and will end at 11:59PM on the following Saturday.

23.10.2 - Hours Of Work

(1) All employees shall refer to their individual job descriptions for identification of their actual work schedule.

(2) Managers and department heads are expected to normally work not less than thirty-five (35) hours weekly, unless budget requirements dictate otherwise. The normal expectancy for managers and department heads is to measure their hours of work against anticipated workload demands, which may produce a workweek in excess of the minimum cited.

(4) Lunch period. All employees scheduled to work a shift of greater than six (6) hours shall be granted a thirty (30) minute period during the middle of the shift as a meal break. Said lunch break shall not be compensated.

(5) Rest period. All employees will be eligible to receive a fifteen minute rest period during each half of their full work shift. If the half of shift is not at least three and one-half (3 1/2) hours, then no rest period will be allowed. Rest periods are not to be accumulated.

23.10.3 - Overtime

All non-exempt employees shall be compensated for overtime in accordance with the provisions of the Fair Labor Standards Act.

23.10.4 - Compensatory Time

An "exempt" employee who is not entitled to receive overtime compensation for hours worked in excess of his or her normal weekly schedule, including department heads, may be authorized to use any such excess hours as compensatory time off at a later time. The actual accrual of compensatory time must be approved in advance by the appropriate department head. All staff must also have the use of accrued compensatory time approved by the appropriate department head or supervisor in advance. It shall also be used within five (5) weeks from the date the excess accrued, and may not be carried-over. These hours must be taken so as not to adversely affect the operation of the employee's department. All departments shall be required to submit a quarterly "Comp. Time Report" to the Town Manager. All compensatory time shall be accrued as straight time, not time and one-half.

23.10.5 - Recall

When a non-exempt employee is recalled to work, the employee shall be paid a minimum of two (2) hours pay at time and one-half (1 ½) the employee's regular rate of pay. The minimum of two hours shall not apply when the recall time merges with the employee's regular work day.

Section 23.11 - Leave

23.11.1 - General Policy

Leave is any authorized absence during regularly scheduled work hours that is approved by proper authority. Leave may be authorized with or without pay and shall be granted in accordance with these rules on the basis of the work requirements of the departments and, whenever possible, the personal wishes of the employee.

23.11.2 - Procedure For Requesting Leave

For all leave other than holiday, sick, disability, injury and emergency leave, a written request indicating the type of leave, duration and dates of departure and return must be approved by the department head prior to the taking of leave. In the case of disability, injury and emergency leave, the request shall be submitted for approval as soon as reasonably possible, but no later than upon the employee's return to duty. Unless an absence is substantiated by a request approved by the department head, an employee shall not be paid for any absence from scheduled work hours. All leaves must be reported to the Town Manager's Office.

23.11.3 - Holiday Leave

(1) Authorized Holidays. Only the following days and no others shall be recognized as holidays and such other days as may be declared holidays for the conduct of public business by the state or federal governments:

New Year's Day
Martin Luther King Day
Presidents' Day
Patriot's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
1/2 after Thanksgiving Day
1/2 day before Christmas Day*
Christmas Day
1/2 day before New Year's Day*
* Provided that such day is a normally scheduled workday.

(2) Saturday And Sunday Holidays. Whenever any of the above named holidays falls on a Saturday or Sunday, the following Monday, shall be a holiday, unless another day is established by law.

(3) Work On Holidays. On the designated holidays, employees not otherwise covered by labor agreement shall be excused from all duty not required to maintain essential services.

(4) Restriction: Payment for a holiday shall be made only if the eligible employee shall have worked on his/her last scheduled work day prior to such a holiday and on his/her next regularly scheduled work day following such holiday. This shall not apply to employees using authorized leave immediately before or after a holiday.

23.11.4 - Vacation Leave

(1) Vacation Policy. The Town provides vacation leave for all permanent full-time and part-time employees who work 20 hours or more per week. Vacation leave may be taken as earned after completion of six months of employment.

Seasonal and temporary employees or employees who work less than 20 hours per week shall not be eligible to receive vacation leave.

(2) The Vacation Year. Eligible employees' accrued vacation time runs concurrent with the Town's fiscal year, i.e. July 1st through June 30th. All employees, except those employees hired after July 1 of the immediate preceding year, will accrue all of their respective vacation time on July 1 of each year.

(3) Vacation Accrual - Years Of Service. As discussed elsewhere in these policies, an employee's "years of service" are based on date of hire, or rehire, whichever is later. Employees of the Town of Sutton accrue vacation time in hours, based upon one's weekly schedule. Full Accrual, as used in this policy, is defined as the full amount of time an employee is entitled to receive on July 1 according to years of service as shown below. The following schedule of vacation accrual according to years of service shall be observed except in the case of newly hired or rehired employees:

YEARS OF SERVICE	LEVEL OF VACATION ACCRUAL
One Year to Four Years:	Two Times Weekly Schedule of Hours
Five Years to Nine Years:	Three Times Weekly Schedule of Hours
Ten Years to Fifteen Years:	Four Times Weekly Schedule of Hours
Sixteen Years & Beyond:	Five Times Weekly Schedule Hours

(4) New Employees - Vacation Accrual. Newly hired or rehired employees shall receive the following vacation accrual:

Hired/Rehired in July:	Five Days Beginning January 1 - Full Accrual Beginning July 1
Hired/Rehired in August:	Five Days Beginning February 1 - Full Accrual Beginning July 1
Hired/Rehired in September:	Three Days Beginning March 1 - Full Accrual Beginning July 1
Hired/Rehired in October:	Three Days Beginning April 1 - Full Accrual Beginning July 1
Hired/Rehired in November:	Two Days Beginning May 1 - Full Accrual Beginning July 1
Hired/Rehired in December:	Two Days Beginning June 1 - Full Accrual Beginning July 1
Hired/Rehired in January:	Zero Days - Full Accrual Beginning July 1
Hired/Rehired in February:	Zero Days - Full Accrual Beginning August 1
Hired/Rehired in March:	Zero Days - Full Accrual Beginning September 1
Hired/Rehired in April:	Zero Days - Full Accrual Beginning October 1
Hired/Rehired in May:	Zero Days - Full Accrual Beginning November 1
Hired/Rehired in June:	Zero Days - Full Accrual Beginning December 1

(5) Moving To The Next Level Of Vacation Accrual. Employees shall move from one level of vacation accrual in the following manner:

DATE OF HIRE	MOVE TO NEXT LEVEL
Between July 1 and December 31, inclusive	On July 1 Of Current Fiscal Year
Between January 1 and June 30, inclusive	On July 1 of Following Fiscal Year

(6) Use Of Vacation Time. The use of and scheduling of vacation time shall be approved by the department head with due regard to the employee's wishes and the needs of service for the department.

(7) Vacation Carry-over. It is the intent of this policy that all employee's make use of earned vacation time within the fiscal year said time is accrued. If however, for reasons of extenuating circumstances an employee is unable to fully utilize all earned vacation time, accrued vacation hours in an amount not to exceed the employee's weekly scheduled hours (1 week), may be carried over into a succeeding fiscal year with the written approval of the employee's department head. Such notification must also be given in written form to the Personnel Office for accounting and personnel management purposes. Any vacation time not used that is in excess of the employee's weekly scheduled hours will be forfeited with no financial compensation.

(8) Payment For Unused Vacation Time. Payment for accrued but unused vacation time may only be awarded to those employees who terminate their employment with the Town during the fiscal year, provided that the employee has successfully completed six (6) full months of service from date of hire.

(9) Holiday During Vacation. When a holiday falls within an employee's vacation week, the holiday is charged as a holiday and not as a vacation day.

(10) Death Of An Employee Eligible For Vacation. Upon the death of an employee who is eligible for vacation, payment shall be made to the estate of the employee in an amount equal to the amount of accrued but unused vacation time.

23.11.5 - Sick Leave

(1) Policy. Sick leave shall not be considered as a privilege but as insurance against extended illness, which an employee may use at the employee's discretion, but shall be allowed only in case of actual sickness or disability of the employee, to meet medical or dental appointments, to take physical examinations or for other sickness prevention measures. Sick leave may be taken by any eligible employee unable to work due to pregnancy and conditions relating thereto, childbirth and recovery therefrom.

(2) Eligibility: Sick leave shall be available to all permanent municipal employees working a regular schedule of twenty (20) or more hours per week, including probationary employees. Seasonal, temporary, emergency or permanent part-time employees who are scheduled for less than twenty (20) hours per week are not eligible for sick leave.

(3) Sick Leave Allowance: Permanent employees shall accrue sick time in hours at a rate equal to one work day per month. Said time shall accrue on the first day of each month.

(4) Use of Sick Time: If any employee is out sick for more than three (3) consecutive days, a written note from a physician may be requested by the employee's department head to substantiate illness and/or necessity to be away from work. The Town reserves the right to require that any employee missing work for a period exceeding five (5) consecutive days be seen by a physician designated and funded by the Town.

(5) Probationary Employees: Probationary employees shall be authorized sick leave in the same manner as permanent employees, with the exception that a physician's note may be required by the Town for any sick leave occurrence, regardless of duration.

(6) Reporting: An employee absent on account of illness or non-job-related injury shall see to it that his/her department head is notified within two (2) hours of the start of the workday. Failure to notify the department head may result in the loss of pay.
(7) Recording: Each department head shall report all uses of sick time on the weekly payroll sheets submitted to the Treasurer. Said reporting shall include employee's name using sick time, date of sick time used, and number of hours used on that day. The department head shall notify the Town Manager immediately if abuse of sick time is suspected.
(8) Accumulation/Accrual: There is no limit to the number of sick days that an employee can accumulate (accrue) that can be used for sickness or injury.
(9) Layoffs and Sick Time: Accumulated/Accrued sick leave at the termination of employment due to a reduction in force will be carried for a period of eighteen months. Sick days will be reinstated at the date of rehiring.
(10) Retirement and Sick-Leave: Upon the retirement of an employee with an unused portion of sick leave that the employee had earned prior to January 1, 2007, but not used as of that date, payment shall be made to the employee in an amount equal to sixty-five percent (65%) of the actual amount of such sick leave, up to a maximum of 145 days. Payment shall be made at the current rate of pay of the employee on the date of retirement. Any sick leave which was earned by an employee on or after January 1, 2007, but not used as of the time of retirement shall not be eligible for any payment under this provision.

23.11.6 - Job-Related Injury Leave

(1) An employee injured on the job, however slightly, must report the fact immediately to his/her supervisor or department head. Work related injuries shall be handled in accordance with the provisions of G.L. c. 152 or, if applicable, G.L. c. 41, §111F.

23.11.7 - Funeral or Bereavement Leave

Funeral and bereavement leave shall be granted to permanent employees as follows:
(1) For death and/or memorial services involving a member or an employee's immediate family or household, the day on which death occurs and three (3) additional days shall be granted. If the funeral is held after the three additional day period, the time up to and including the funeral shall also be allowed. The three (3) additional days following death are consecutive calendar days, including Saturday, Sunday and holidays, beginning the day after the death. Cases involving special circumstances, including but not limited to travel for an extensive period of time, should be referred to the department head, whose permission related to extended leave shall not be unreasonably withheld.
(2) "Immediate family" includes parent, step-parent, parent-in-law, sibling, spouse, any grandparent, son or daughter, and domestic partners. A "Member of the household" includes anyone who resides with the same family unit as the

employee and who is regarded by the employee, generally speaking, as a member of the family.
(3) For death of relatives other than the immediate family or household, absence up to one (1) full day may be allowed to attend funeral or memorial services.

23.11.8 - Military Leave
Military leave shall be granted to eligible employees in accordance with all applicable state and/or federal laws.

23.11.9 - Jury Leave
An employee summoned to jury duty will be excused from his/her work for the period necessary to perform jury duty and shall receive the difference in pay between his/her regular total compensation and jury duty compensation, if any.

23.11.10 - Witness Duty Leave
An employee summonsed or otherwise requested by the Town to appear as a witness before a court or other state or federal agency related to his/her official duties will be excused with pay from his/her work for the period necessary to complete his/her testimony.

23.11.11 - Leave Without Pay
(1) Upon approval of the Town Manager, an employee may be granted leave without pay for reasons not covered by the Family and Medical Leave Act for a specified period of time not to exceed sixty (60) days for compelling personal reasons as determined by the Town Manager or in other situations in which the Town Manager deems it to be in the best interests of the Town to allow such leave. At the expiration of a leave without pay, the employee shall return to the position or to a similar position. Failure of the employee to report promptly at the expiration of such leave shall be considered a resignation. Leave without pay shall be considered as inactive employment where time spent on such leave in excess of one (1) week shall not count as service (time worked) for purposes of seniority, vacation leave, pension, and other benefits. An employee may continue under the health and life insurance program provided that the employee meets the eligibility requirements for doing so that are set forth in G.L. c. 32B and payment is made within 60 days of the billing date.
(2) The Town Manager may grant a leave without pay for periods in excess of sixty (60) days in cases of extenuating circumstances.

23.11.12 - Personal Leave
(1) A permanent employee who has completed a probationary period may be granted time off with pay to conduct personal business, provided that such leave is approved in advance by his department head.
(2) Such personal leave shall not exceed an hourly amount equal to three days in any one fiscal year if hired prior to January 1st. If hired after January 1st personal leave shall not exceed an hourly amount equal to 1 1/2 days and are not cumulative from year to year.

(3) Each department head shall report all uses of Personal time on the weekly payroll sheets submitted to the Treasurer. Said reporting shall include employee's name using personal time, date of time used, and number of hours used on that day.

23.11.13 - Family and Medical Leave

Family and Medical Leave shall be granted to eligible employees in accordance with the provisions of the Family and Medical Leave Act and the Town requires employees to substitute accrued paid leave (such as sick or vacation leave) to cover some or all of the FMLA leave.

Section 23.12 - Recruitment, Selection And Appointment Of Employees

23.12.1 - Town Policy

To assure a high quality of service to the public, selection will be from among the most competent individuals from all appropriate sources of applicants. Selection and appointment to all positions will be based solely upon job-related requirements and the applicant's demonstration that he or she possesses the skills, knowledge, abilities and other characteristics necessary for successful job performance.

23.12.2 - Recruitment Procedures

(1) Defining The Position. When a vacancy occurs, the appointing authority (either the Town Manager or Board of Selectmen) will review the functions, duties, responsibilities and minimum qualifications of the position to ascertain whether the job description is still accurate or the job is to be redefined. Any subsequent changes in the description or special qualification requirements for the position will be reported to the Personnel Department. The Personnel Director will review the changes, make suggestions for revision, and return the job description to the appointing authority. If the position being filled is a new position for the Town of Sutton, then a complete job description shall be prepared by the appointing authority or designee and the Personnel Director.

(2) Identifying The Selection Team. The appointing authority shall identify a selection team, that will conduct the actual evaluation of applications. This may be the appointing authority itself, or a designee(s) who shall conduct all screening prior to final appointment.

(3) Advertising The Vacancy. The Personnel Director will be responsible for advising the public of the vacancy.

(a) The Personnel Director will publicize the vacancy in such manner as to assure that all interested and qualified individuals, including current employees, are informed of the position title, duties, responsibilities and salary range; minimum and special qualifications for the job; the time, place and manner of making application; the town's affirmative action and equal opportunity statement, and any other information which may be useful to applicants.

(b) The method of advertising vacancies will vary, depending upon the nature and requirements of the position being filled. The following methods are typical of those which may be used for recruitment: posting notices on public bulletin boards, advertising in professional journals and/or newspapers with local, statewide, and/or national circulation.
(c) All job postings shall be posted on bulletin boards at the Town Hall, and Public Libraries.
(d) To allow sufficient time for candidates to apply for the position, recruitment efforts will be conducted for at least ten (10) workdays, unless emergency requirements dictate otherwise.

23.12.3 - Application For Employment
All candidates applying for employment must secure and file an official application form with the appropriate appointing authority prior to the close of business on the date specified in the vacancy announcement or advertisement. Each applicant shall sign the form, certifying the truth of all statements by his/her signature. Deliberately false or misleading statements and deception in attempting to secure employment will be grounds for rejecting an applicant, and/or termination from employment if such deception is found after a position has been offered and accepted.

23.12.4 - Selection Procedures
(1) Determining Evaluation Criteria. The appointing authority/selection team and Personnel Director shall determine which criteria or combination of criteria will be used to evaluate the relative fitness of each candidate for the position.

(a) The criteria selected will relate to the duties and responsibilities of the position for which candidates are being evaluated and shall fairly appraise and determine the merit, fitness, ability and qualifications of candidates to perform the duties of the position.
(b) A variety of criteria may be employed, including, but not limited to assessment of training, education and work experience; assessment of related skills or talents; written, oral and performance testing; physical exams to assess the candidate's ability to perform the essential functions of the position; and reference checks. Each criteria utilized will be administered and scored on a standardized basis to ensure equity.
(c) An evaluation plan/document will be prepared describing the specific skills, knowledge or abilities to be measured by each evaluation procedure selected, the importance weighting of each part of the evaluation process, and the method to be used in evaluating each candidate against the others. This plan will be retained for use in documenting the job-relatedness of the evaluation criteria. An evaluation plan may be designed for a

promotional vacancy or for an open competitive vacancy, or for both purposes.

(2) The Evaluation Process. The evaluation process will result in a ranking of candidates in order of their relative abilities to perform the job.

(a) The appropriate appointing authority/selection team will review the applications of all the candidates who have applied for the position to determine whether each candidate meets the minimum requirements established for the position. A candidate who does not meet these requirements will be disqualified.

(b) Qualified candidates will be evaluated in accordance with the evaluation plan established for the position.

(c) Scores or ratings obtained on the various selection criteria used will be combined, based on the weights assigned to them in the evaluation plan, to derive a final ranking of each candidate.

(3) Interview And Selection. The selection team will interview applicants who, in the opinion of the team, score high enough to merit further consideration, and indicate a continued interest in the position. The selection team will document through charting the reasons applicants move to a semi-finalist stage and qualify for interviews. After interviewing semi-finalists, the selection team shall recommend the top candidate(s) to the appointing authority for a final interview. Following this interview, the appointing authority shall be permitted to proceed to appointment or continue the selection process.

(4) Notification To Applicants. All candidates will be informed in a timely manner of their selection or non-selection for the position.

(5) Documenting The Selection Process. A record of the recruiting, evaluation and appointing process used will be retained after the vacancy is filled. This record will include the job description, vacancy announcements, evaluation chart, the applications of all those who applied, and any related comments or other documentation from the selection team and/or the appointing authority.

23.12.5 - Appointment

(1) Method Of Appointment. Vacancies shall be filled by original appointment, emergency appointment, or temporary appointment, seasonal or provisional appointment, promotion, demotion, transfer, or standard hire.

(2) Appointment vs. Standard Hire. Employees who fill a vacancy through an appointment do so for a specific period of time. Upon the expiration of an original appointment, the appointing authority must reappoint, eliminate the position, or announce a vacancy in the position. The appointing authority may elect to "hire" an employee in a permanent status, which shall not require a reappointment process. This standard hire may only be exercised on positions not mandated by statute to be part of the appointment requirement.

Section 23.13 - Probationary Period

23.13.1 - Objective

The probationary period is an integral part of the selection procedure allowing the appropriate department head to train, observe and evaluate an employee's work in order to determine fitness for permanent status in the in the position.

23.13.2 - Duration Of Probationary Period

Each person promoted or appointed or hired to a permanent position shall be required to complete successfully a probationary period which shall be of sufficient length to enable the department head to observe the employee's ability to perform the various principle duties of the position. The probationary period shall begin immediately upon original appointment or hire and continue for one (1) year. The probationary period for a promoted employee shall last for six (6) months. Throughout the probationary period the department head will observe the employee's performance, and any strengths or weaknesses in the employee's performance will be discussed with the employee.

23.13.3 - Probation Evaluation

An employee shall receive at least one (1) performance evaluation during the probationary period. The department head will notify the Personnel Department in writing that:

(1) The employee's performance is satisfactory and that the individual should be retained as a permanent employee; or

(2) The employee's performance or conduct is unsatisfactory and that his/her removal is proposed as of a specific date prior to the end of the probationary period. The department head will furnish reasons for the recommended removal to the appointing authority.

23.13.4 - Removal Of An Employee

(1) An employee may be removed during the probationary period if the employee is unwilling or unable to perform required duties or if his/her habits or dependability do not merit continuance in the position. The employee will be notified in writing why he/she is being terminated and the effective date of the action.

(2) An employee may also be removed at any time if it is revealed that information submitted prior to appointment was falsified.

Section 23.14 - Promotion, Demotion, Transfer and Separation

23.14.1 - Promotion Policy

Employees are encouraged to develop new skills, expand knowledge of their work, assume greater responsibilities and make known their qualifications for promotion to more difficult and responsible positions.

(1) Vacancy announcements shall be posted in the Town Hall

(2) Current employees are encouraged to apply for any vacancy for which they meet the requirements of the position according to the procedures outlined in Section 23.12 of this Bylaw for all applicants.

(3) No supervisor shall deny an employee permission to apply for a vacancy.
(4) When a town employee's qualifications are ranked equal to or higher than outside applicants, the town employee shall be given preference.

23.14.2 - Demotion
An employee may be demoted to a vacant position of a lower grade for which he/she is qualified for any of the following reasons:
(1) When an employee would otherwise be laid off because his/her position is being abolished.
(2) When his/her position is reclassified to a lower grade.
(3) When he/she voluntarily requests a lower classification.
(4) When an employee does not render satisfactory service in the position held.

23.14.3 - Transfer
A position may be filled by transferring an employee from another position of the same pay rate, involving the performance of similar duties and requiring essentially the same basic qualifications. All transfers must be approved by the Town Manager.

23.14.4 - Separation
(1) Retirement. "Retirement" is the separation of an employee in accordance with the provisions of the retirement system under which the employee is eligible to receive benefits.
(2) Resignation. "Resignation" is the separation of an employee by his/her voluntary act. An employee may resign in good standing from the jurisdiction by submitting in writing the reasons therefore and the effective date to the department head at least fourteen (14) calendar days in advance. The department head may permit a shorter period of notice because of extenuating circumstances. The resignation shall be forwarded to the Personnel Director and Town Manager with pertinent information concerning the reason for resignation. The Personnel Director shall make every effort to see to it that an exit interview is conducted with each employee who resigns and will verify the employee's reasons for leaving. Copies of the employee's letter of resignation will be placed in the employee's personnel file.
(3) Layoff. In the case of layoff or reduction of personnel for lack of work or by reason of fiscal cutback, the laying off or demotion of employees within each job classification shall be determined first by type of appointment in the following order: emergency, provisional, temporary, probationary and then permanent. Within the type of appointment, the order of layoff shall be determined by length of continuous service in town service. In no case shall such layoff be construed as a dismissal for

unsatisfactory performance. Permanent employees who are laid off shall be given first consideration for subsequent vacancies in the class from which they were laid off for a period of one (1) year.

(4) Termination or dismissal. An appointing authority may terminate or dismiss an employee for disciplinary or performance based reasons.

Section 23.15 - Performance Evaluation

23.15.1 - Purpose

The town recognizes the need for an operating performance evaluation system to:

(1) Assess fairly and accurately an employee's strengths, weaknesses and potential for growth.

(2) Encourage and guide the employee's development of his or her special skills and work interests.

(3) Provide a method of improving operational programs through employee input.

(4) Identify training needs.

23.15.2 - Procedure

The Personnel Director shall be responsible for the establishment and maintenance of the employee performance evaluation system. Employee evaluation is the continuing day to day responsibility of the department head. Annually and prior to affecting any pay increase, the department head will make a written evaluation of the employee's performance.

(1) Employee Evaluations. An employee evaluation is the summary of the supervisor's observations of the employee during the past year and a summary of the performance in terms of a variety of job-related factors. The evaluation will also include a plan to develop strengths, identify and improve weak areas and record the employee's observations of work assignments in the last year. Proper use of the performance evaluation serves as a means for identifying training needs, helping to improve individual performance, recognizing outstanding accomplishments, helping to strengthen employee-supervisor relationships, emphasizing the employee's contribution to the town's programs and helping to identify the strengths and weaknesses in the town's programs.

(2) Procedure For Employee Evaluation

(a) Prior to June 1 annually, the department head will make a written evaluation of the employee's job performance, considering any changes that have occurred in the job or other factors which might affect job performance and noting strengths and capabilities worthy of special mention and areas where improvement is needed. The employee and department head will then meet to conduct the employee-supervisor discussion.

(b) Employee-Supervisor discussions will begin with a thorough review of the employee's current job description, to review and clarify job requirements and duties assigned and to note any major changes which may have taken place in the employee's job. The

department head will note major changes which may have an impact on classification or will require a change to the job description and will submit these changes to the Personnel Director. Job descriptions determined to be generally accurate should be initialed and dated by the department head and employee to certify accuracy and currency. The department head and employee should also discuss the employee's career development plans, special work interests, projects or assignments of interest and particular training interests or needs. The employee's general observations of the department's programs, and especially suggestions for improving assignments, functions and work procedures, should be particularly encouraged. The employee should have the opportunity to discuss any other points and may attach comments to the department head's evaluation. The employee will then certify that he/she has reviewed the evaluation and that it has been discussed with him/her.

(c) Employees believing that their evaluations are incorrect may appeal their evaluations in writing to the Personnel Director, whereupon the department head, the employee and the Personnel Director will meet to review the rating.

(d) The evaluation will then be forwarded to the Personnel Director to become a part of the employee's personnel record.

Section 23.16 - Training and Staff Development

27.16.1 - Policy

It shall be the joint responsibility of the department head and Personnel Director to foster and promote employee training programs for the purpose of improving the quality of personal service rendered to citizens and aiding employees to equip themselves for advancement in the service.

23.16.2 - Administration Of The Employee Training Program

The Town Manager, in consultation with the department heads, shall be responsible for:

(1) Establishing standards of training programs.

(2) Providing assistance to department heads in developing and conducting training to meet the specific needs of their departments and in developing and utilizing other techniques for increasing employee efficiency.

(3) Developing supervisory and management training and other types of training and employee development programs common to all departments.

(4) Providing assistance to department heads in establishing standards of performance and procedures for evaluating employee performance and potential for growth and identifying training needs.

(5) Providing for the safe-keeping records of all approved training courses and programs and record of employees who successfully complete such courses and programs.

23.16.3 - Identifying Training Needs
At the time of the annual employee-supervisor evaluation discussion, the department head and employee should discuss areas where training is needed or desirable for performance in the employee's present job, or would be helpful in developing additional skills for growth into other positions in the town service. The department head should forward a written report of training needs to the Personnel Director, who shall so inform the Town Manager. Department heads shall, through contact with the Personnel Director and the public community, keep themselves apprised of training programs that may be of help or interest both to themselves and to their employees and should nominate employees for appropriate training courses.

23.16.4 - Tuition Reimbursement
All permanent full-time employees who take courses at accredited institutions of higher education may be eligible, subject to the availability of funds appropriated for such purposes, to be reimbursed up to twenty (20%) of the tuition paid by said employee for such courses directly related to their professional growth in their position with the Town. Tuition reimbursement is limited to the equivalent tuition at state institutions. In order to receive partial reimbursement of tuition, the employee must submit, after completion of the course(s), a written statement showing a passing grade of "B" or better, together with written receipts which verify the payments by the employee. At least one (1) month prior to the scheduled start of a course or program, the employee must submit to the Town Manager a statement indicating the courses he/she plans to take, together with a statement showing how these courses will benefit the employee and the town. This statement should indicate an alternative course(s) to be taken if the stated course is either unavailable or not offered that term. The decision of the Town Manager as to course and tuition approval/denial shall be final.

Section 23.17 - Disciplinary Actions

23.17.1 - Responsibility Of Employees
It is the responsibility of all employees to observe the policies and regulations necessary for the proper operation of all the departments in town government.

23.17.2 - Department Head Responsibilities
Department heads are responsible for the proper and efficient operation of their departments and for enforcing all policies and regulations, which may involve invoking such disciplinary measures as may be necessary.

23.17.3 - Reasons For Disciplinary Action
Disciplinary action may be imposed upon an employee for conduct or actions which interfere with or prevent the town from effectively and efficiently discharging its responsibilities to the public. This shall include, but is not limited to, the following:

(1) Neglect in the performance of the duties of the position to which the employee is assigned.

(2) Disregard for or frequent violation of town and/or department policies and regulations.
(3) Willful misuse, misappropriation, negligence or destruction of town property.
(4) Frequent tardiness or absence from duty.
(5) Violation of any official order, refusal to carry out reasonable directions given by a proper supervisor or other acts of insubordination.
(6) Use or consumption of intoxicating beverages or illegal drugs and controlled substances while on duty.
(7)Abuse or misuse of legally prescribed narcotics, drugs or other controlled substances so as to interfere with job performance or the efficiency of town service.
(8) Criminal, dishonest, untruthful or other unsuitable conduct which interferes with effective job performance or has an adverse effect on the efficiency of the town service.
(9) Disregard for or frequent violations of employee conduct rules, town bylaws or state or federal laws.
(10) Unauthorized dissemination of privileged or confidential information.
(11) Any other conduct or action of such seriousness that disciplinary action is considered by the appointing authority to be warranted.

23.17.4 - Procedures For Progressive Disciplinary Action; Progressive Discipline

(1) Oral Reprimand. Whenever grounds for disciplinary action exist and the department head determines that more severe action is not immediately necessary, the department head should orally communicate to the employee the observation of the deficiency and offer assistance in correcting the deficiency. Whenever possible, sufficient time for improvement should precede formal disciplinary action. When an oral reprimand is given, the department head should ensure that the employee's personnel file is documented to show date of the reprimand and the charge. The employee will be advised that this reprimand will be documented in his/her personnel folder and will have the opportunity to submit comments for the personnel folder.
(2) Written Reprimand. A written reprimand shall be in order for deficiencies or offenses that, in the opinion of the department head, warrant a more stern response to an employee. All written reprimands shall be addressed to the employee and will include the charge, the specific behavior and the dates of the behavior, where appropriate, that support the charge, the warning that continuance of this behavior will result in more severe disciplinary action, an offer of assistance in correcting the behavior, any circumstances affecting the severity of the discipline, and advice on the right of appeal. A signed copy of the reprimand shall be included in the employee's personnel file, and the

employee will have the opportunity to submit comments for the personnel folder.

(3) Suspension. The Town Manager may suspend an employee without pay for up to but not exceeding five (5) calendar days. On or before the effective date of the suspension, the Town Manager will furnish the employee with a written statement setting forth reasons for suspension, the effective dates of the suspension and the date the employee should return to work. The statement will also include the charge, the specific behavior and the dates of the behavior, where appropriate, that support the charge, the warning that a continuance of this behavior will result in more severe disciplinary action, an offer of assistance in correcting the behavior, any circumstances affecting the severity of the discipline and advice on right of appeal. The Town Manager may suspend an employee without pay for a period of time not to exceed twenty-five (25) calendar days.

(4) Removal or Dismissal. An appointing authority may terminate an employee in accordance with the procedure that is set forth in Section 7-8 of the Charter.

23.17.5 - Privacy And Public Information

In all instances, both the employee's right to privacy and the right of the public to have access to public information shall be preserved by observance of the appropriate statutes and laws governing both.

Section 23.18 - Conduct Of Employees

23.18.1 - General Policy

In addition to the provisions set forth in Section 23.17, all employees are prohibited from engaging in any conduct which could reflect unfavorably upon the Town. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person or losing complete impartiality in conducting Town business.

23.18.2 - Conflict of Interest Law

Employees must adhere to all applicable provisions of G.L. c. 268A, the Conflict of Interest Law, in relation to their position(s) with the Town.

23.18.3 - Business Activities And Solicitation

No employee shall engage in any business other than his/her regular duties during working hours, including such activities as selling to fellow employees, lending of money for profit and any similar activity.

23.18.4 - Outside Employment

(1) Interference With Town Employment. No employee may engage in additional employment which in any manner interferes with proper and effective job performance, results in a direct or gives the appearance of a conflict of interest, or may subject the town to public criticism or embarrassment.

(2) Preference Of Town Employment. Employees who engage in employment outside of regular working hours may be subject to call to perform regular town duties first.
(3) Injury And Illness. The town shall in no respect be liable nor grant injury or sick leave in case of injury to an employee while engaged in outside employment nor any occupational illness attributed to the outside employment.

23.18.5 – Confidential/Privileged Information
Employees often deal with plans, programs and documents of significant public interest. Employees must not use this privileged information for their own financial advantage or to provide family, friends and acquaintances with financial advantages or with information which could be used for financial advantage or use or disseminate said information in violation of G.L. c. 268A, the Conflict of Interest Law. If an employee finds that he/she has an outside financial interest which could be affected by town plans or activities, he/she must immediately report the situation to his/her department head. Each employee is charged with the responsibility of ensuring that he/she releases only information that should be made available to the general public. Violation of this section may result in disciplinary action, up to and including termination of employment.

23.18.6 - Use Of Town Property
(1) General Policy. Employees should not, directly or indirectly, use or allow the use of town property of any kind for other than official activities.
(2) Telephone Use. Personal use of town telephones should be limited to emergencies and unusual circumstances, and should be as brief as possible. Department heads shall review monthly telephone invoices and/or reports to ensure compliance.
(3) Damaged/Missing Property. All employees are responsible for reporting any damaged or missing town property to the appropriate department head. Willful neglect, misuse, or theft of town property on the part of an employee may require the reimbursement of said item(s) by the employee to the town, and/or result in disciplinary action, up to and including termination of employment.

23.18.7 - Political Activity
(1) All employees are entitled to exercise their rights as citizens to express their political opinions and to cast their votes.
(2) Employees may not:
(a) Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
(b) Directly or indirectly coerce, attempt to coerce, command or advise a state or local officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

(c) Post political literature on town owned property, nor shall be permitted to campaign during work hours.

23.18.8 - Dress Code
Each employee is responsible for reporting for duty in attire most appropriate to the requirements of his/her position. Employees are expected to represent a professional appearance at all times, and clothing may not be of a provocative or safety hazard nature. The department head may authorize additional dress requirements with due discretion.

23.18.9 - Dealings With Public, Vendors, & Other Staff
Employees are expected at all times to conduct all dealings with the public, vendors, and other staff members in a most professional manner. Courtesy and respect is to be observed at all times.

Section 23.19 - Records

23.19.1 - Personnel Records
The Personnel Director shall be responsible for the maintenance of an employee record for each employee in accordance with the provisions of G.L. c. 149, §52C.

23.19.2 - Taxation & Retirement Records
As a means of ensuring employee privacy, the Treasurer shall maintain all retirement and taxation related documents. An employee may review these records at the convenience of the Treasurer.

23.19.3 - Retention Of Records
Personnel and other employment related records shall be maintained on a current basis for each employee. Records of former employees shall be maintained in accordance with the Records Retention Schedule of G.L. c. 66.

23.19.4 - Employee's Right To See Records
Any employee may arrange to view or receive a copy of his/her personnel file in accordance with and subject to the provisions of G.L. c. 149, §52C.

23.19.5 - Documentation Of Personnel Actions
All personnel actions will be documented to ensure accurate maintenance of personnel records relative to leave, employment and personal status changes. Responsibility for documentation is as follows:

(1) Status Changes.

(a) Requests for personnel actions such as changes in classification (i.e., reallocation of a position, abolishment of position), pay increases, appointment, dismissal, suspension or transfer (temporary or permanent) should be initiated by the department head or other authorized official generally at least two (2) weeks prior to the effective date of such action and forwarded to the Personnel Director.

(b) Notices of personnel actions such as resignations or changes in address, name, telephone number, marital status, dependents, etc., should be initiated by the employee and submitted to the Personnel Director two (2) weeks prior to the effective date of such action or as soon as possible. Department heads should advise employees to report such changes, as well as adjustments in education and skills, whenever such changes occur, to assure proper maintenance of records and personnel files.

(c) The Personnel Director will document all personnel actions affected in the employee's personnel record and where applicable, provide the employee with notice of same in accordance with the provisions of G.L. c. 149, §52C.

(2) Leave. Notices of use of leave or requests for leave should be initiated by the employee and submitted to the department head prior to the commencement of the leave, as indicated in Section 27.11. Department heads will forward the requests notices to the Town Manager.

Section 23.20 - Employee Benefits

23.20.1 - Group Insurance

Eligibility for participation in the Town's group insurance plans as an employee or retiree are governed by the provisions of G.L. c. 32B and any applicable group insurance regulations adopted by the appropriate public authority. Participating employees who drop their group health insurance from the town after retirement may, at their option, be reinstated subject to such eligibility requirements.

23.20.2 - Retirement Plan

The town is a member of the Worcester County Retirement System which is organized and operated under the provisions of G.L. c.32. Membership in the system may be required for certain classes of employees as set forth in G.L. c.32.

23.20.3 - Workers' Compensation Insurance

The town will provide an insurance program in compliance with G.L. c.152, as amended, for employees involved in work-related illness or injury.

23.20.4 - Highway Department Licenses

Employees of the Highway Department shall be reimbursed for the cost to acquire or renew those licenses required for the performance of their job functions.

23.20.5 - Mileage

For travel necessitated by town business, upon the submission of appropriate travel vouchers, any employee shall be reimbursed on a per-mile basis. The actual rate of reimbursement shall be equal to that of the Commonwealth of Massachusetts at any given time.

23.20.6 - Deferred Compensation
Employees may participate, on a voluntary basis, in the Commonwealth of Massachusetts Deferred Compensation plan offered by the Town.

Upon adoption by Town Meeting, this Bylaw shall replace and render null and void any and all town-wide personnel policies.

Adopted: April 21, 1984
Amended: 02/03/92, 10/20/97, 10/16/06
Revised: Oct. 20, 2014

BYLAW 24. FALSE ALARMS

Section 24.1 - Definitions
For the purpose of this Bylaw, the following words and phrases shall have the following meanings:

Alarm System - Any assembly of equipment and/or devices that are designed to be activated either manually or automatically for the purpose of drawing attention to the presence of a fire or hazard, or situation, criminal or otherwise, to which the police and/or fire departments are expected to respond.

Alarm User - Any person or business on whose premises an Alarm System is installed and maintained within the Town of Sutton, except for Alarm Systems that are installed in or on motor vehicles.

False Alarm - The activation of an Alarm System through mechanical failure, malfunction, improper installation or negligence of the user of the Alarm System or his/her employees or agents; and any signal or communication transmitted to the Police and/or Fire Departments requesting, requiring or resulting in a response from the Police and/or Fire Departments when, in fact, there has been no fire or hazard, or unauthorized entry or intrusion into the premises and there has been no attempted robbery or burglary at the premises. Excluded from this definition shall be the activation of an Alarm System by power outages, utility companies or other outside sources, hurricanes, severe storms and similar conditions.

Section 24.2 – False Alarms
(1) After the Police or Fire Departments have recorded three (3) separate False Alarms within the calendar year, the Alarm User shall be assessed the following fines:
(a) One Hundred dollars ($100) for the fourth False Alarm.
(b) Two Hundred dollars ($200) for the fifth and subsequent False Alarms.

(2) Failure to pay the fine within the prescribed time period will result in court action for violation of a town Bylaw or a municipal charges lien being placed on the real property pursuant to G.L. c.40, §58, in the Worcester District Registry of Deeds until the fine is paid.

Section 24.3 – Audible Alarm
All Alarm Systems that emit an audible signal shall be equipped with a device for limiting the length of the audible signal to ten (10) minutes. Any user of an Alarm System that either does not have such a device or has a malfunction that allows the audible signal to continue for more than ten (10) minutes shall be assessed a fee of fifty dollars ($50). Failure to pay such fine within the prescribed time will result in either court action for violation of a town Bylaw or the placement of a municipal charges lien on the real property pursuant to G.L. c.40, §58, in the Worcester District Registry of Deeds until the fine is paid.

Section 24.4 - Exemptions

(1) All federal, state and municipal buildings and property shall be exempt from the provisions of this article.

(2) No provision of this article shall be construed to place an obligation on the Police or Fire Departments to respond to an alarm.

Adopted: October 18, 1999

Amended: 10/20/08
Revised: Oct. 20, 2014

BYLAW 25. MOTORIZED SCOOTERS PROHIBITED

Section 25.1. No person shall operate a motorized scooter, motorized skateboard or other similar motorized motor vehicle including electric scooters on any public way, sidewalk, playground, property of the Town.

Section 25.2. The Police shall have primary responsibility for the enforcement of this Bylaw.

Section 25.3. Whoever violates this Bylaw shall be punished by a fine of fifty dollars for the first offense, one hundred dollars for the second offense and two hundred dollars for the third and subsequent offenses.

Adopted: August 18, 2004
Revised: Oct. 20, 2014

BYLAW 26. TOWN OF SUTTON RIGHT TO FARM

Section 26.1. Legislative Purpose and Intent
The purpose and intent of this Bylaw is to support with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Articles of Amendment of the Massachusetts Constitution, and all state statutes and regulations there under, including but not limited to G.L. c. 40A, §3, ¶1; c. 90, §9; c.111, § l25A; and c.128 §1A. We the citizens of Sutton restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Sutton by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This Bylaw shall apply to all jurisdictional areas within the Town.

Section 26.2. Definitions
The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of agriculture, or accessory thereto.
The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:
- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:
- operation and transportation of slow-moving farm equipment over roads within the town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on- farm relocation of earth and the clearing of ground for farming operations.

Section 26.3. Right To Farm Declaration
The Right to Farm is hereby recognized to exist within the Town of Sutton. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this Bylaw are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Nothing in this Right To Farm Bylaw shall be deemed as acquiring or authorizing the acquisition of any interest in land, or as imposing any land use regulation which is properly the subject of state statute, regulation, or local zoning law, or as superseding any otherwise applicable statute, regulation, Bylaw, or other law.

Section 26.4. Disclosure Notification
It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances."

A copy of this disclosure notification shall be posted by the Town to residents and property owners each fiscal year in one or more of the following forms: annual report, official Town website, transfer station, or library.

Section 26.5. Resolution of Disputes
Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Building Commissioner, or the Board of Health, depending upon the nature of the grievance, which shall review and facilitate the resolution of the grievance within thirty (30) days of receipt. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have.

Section 26.6. Severability Clause
If any part of this Bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Bylaw. The Town of Sutton hereby declares the provisions of this Bylaw to be severable.

Adopted: October 15, 2007
Revised: Oct. 20, 2014

BYLAW 27. ILLICIT STORM WATER CONNECTIONS & DISCHARGES

Section 27.1. Purpose

Increased and contaminated storm water runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and Groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of Illicit Connections and discharges to the Municipal Storm Drainage System is necessary for the protection of the Town's water bodies and Groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this Bylaw are:

(1) To prevent Pollutants from entering the Town's Municipal Separate Storm Sewer System (MS4);

(2) To prohibit Illicit Connections and unauthorized discharges to the MS4;

(3) To require the removal of all such Illicit Connections;

(4) To comply with state and federal statutes and regulations relating to storm water discharges; and

(5) To establish the legal authority to ensure compliance with the provisions of this Bylaw through inspection, monitoring, and enforcement.

Section 27.2. Definitions

Authorized Enforcement Agency — The Highway Department, its employees, officers, or agents are designated to enforce this Bylaw.

Bylaw — Refers to Bylaw 27. Illicit Storm Water Connections & Discharge of the "General Bylaws of the Town of Sutton".

Clean Water Act — The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

Discharge Of Pollutants — The addition from any source of any Pollutant or combination of Pollutants into the Municipal Storm Drainage System or into the waters of the Commonwealth of Massachusetts or United States from any source.

Groundwater — Water beneath the surface of the ground.

Illicit Connection — A surface or subsurface drain or conveyance, which allows an Illicit Discharge into the Municipal Storm Drainage System, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved.

Illicit Discharge — Direct or indirect discharge to the Municipal Storm Drainage System that is not composed entirely of storm water, except as exempted in Section 27.8, below. The term does not include a discharge in compliance with a NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 27.8 of this Bylaw.

Impervious Surface — Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious Surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

Municipal Separate Storm Sewer System (MS4) or Municipal Storm Drainage System — The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit — A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the Discharge of Pollutants to waters of the United States.

Non-Storm Water Discharge — Discharge to the Municipal Storm Drainage System not composed entirely of storm water.

Owner — A Person with a legal or equitable interest in property.

Person — Any individual, association, corporate entity, partnership, trust, department of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such Person.

Pollutant — Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non-point source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth of Massachusetts. Pollutants shall include without limitation:

A. Paints, varnishes, and solvents;

B. Oil and other automotive fluids;

C. Non-hazardous liquid and solid wastes and yard wastes;

D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;

E. Pesticides, herbicides, and fertilizers;

F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;

G. Dissolved and particulate metals;

H. Animal wastes;

I. Rock, sand, salt, soils;

J. Construction wastes and residues; and

K. Noxious or offensive matter of any kind.

Process Wastewater — Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Storm Water – Storm water runoff, snowmelt runoff, and surface water runoff and drainage.

Surface Water Discharge Permit – A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the Discharge of Pollutants to waters of the Commonwealth of Massachusetts.

Toxic or Hazardous Material Or Waste – Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Wastewater – Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

Watercourse – A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

Waters of The Commonwealth Of Massachusetts – All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and Groundwater.

Wetlands – Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to G.L. c. 131, § 40 and 310 CMR 10.00 et seq.

Section 27.3. Applicability

This Bylaw shall apply to flows entering the Municipal Storm Drainage System.

Section 27.4. Authority

This Bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to G.L. c. 83, §§ 1, 10, and 16, as amended by St. 2004, c. 149, §§ 135-140, and the regulations of the federal Clean Water Act found at 40 CFR 122.34

Section 27.5. Responsibility for administration

The Authorized Enforcement Agency shall administer, implement and enforce this Bylaw, and any rules and regulations adopted thereunder. Any powers granted to or duties imposed upon the Authorized Enforcement Agency may be delegated in writing by the Authorized Enforcement Agency to employees or agents of the Authorized Enforcement Agency.

Section 27.6. Regulations

The Authorized Enforcement Agency may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Authorized Enforcement Agency to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

Section 27.7. Prohibited activities

A. Illicit Discharges. No Person shall dump, discharge, cause or allow to be discharged any Pollutant or Non-Storm Water Discharge into the Municipal Separate Storm Sewer System (MS4), into a watercourse, or into the waters of the Commonwealth of Massachusetts.

B. Illicit Connections. No Person shall construct, use, allow, maintain or continue any Illicit Connection to the Municipal Storm Drainage System, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

C. Obstruction of Municipal Storm Drainage System. No Person shall obstruct or interfere with the normal flow of storm water into or out of the Municipal Storm Drainage System without prior written approval from the Authorized Enforcement Agency.

Section 27.8. Exemptions

A. Discharge or flow resulting from fire fighting activities.
B. The following Non-Storm Water Discharges or flows are exempt from the prohibition of non-storm waters provided that the source is not a significant contributor of a Pollutant to the Municipal Storm Drainage System:

(1) Waterline flushing;

(2) Flow from potable water sources;

(3) Springs;

(4) Natural flow from riparian habitats and wetlands;

(5) Diverted stream flow;

(6) Rising Groundwater;

(7) Uncontaminated Groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped Groundwater;

(8) Water from exterior foundation drains, footing drains (not including active Groundwater dewatering systems), crawl space pumps, or air conditioning condensation;

(9) Discharge from landscape irrigation or lawn watering;

(10) Water from individual residential car washing;

(11) Discharge from de-chlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;

(12) Discharge from street sweeping;

(13) Dye testing, provided verbal notification is given to the Authorized Enforcement Agency prior to the time of the test;

(14) Non-Storm Water Discharge permitted under a NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection,

provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

(15) Discharge for which advanced written approval is received from the Authorized Enforcement Agency as necessary to protect public health, safety, welfare or the environment.

Section 27.9. Emergency suspension of Municipal Storm Drainage System access

The Authorized Enforcement Agency may suspend Municipal Storm Drainage System access to any Person or property without prior written notice when such suspension is necessary to stop an actual or threatened Discharge of Pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any Person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Section 27.10. Notification of spills

Notwithstanding other requirements of local, state or federal law, as soon as a Person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in Discharge of Pollutants to the municipal drainage system or storm waters of the Commonwealth of Massachusetts, the Person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the Person shall immediately notify the Fire and Police Departments, Board of Health, and the Highway Superintendent. In the event of a release of non-hazardous material, the reporting Person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting Person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility Owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 27.11. Enforcement

The Highway Superintendent or his or her appointed designee shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

A. Civil Relief. If a Person violates the provisions of this Bylaw, regulations, permit, notice, or order issued thereunder, the Authorized Enforcement Agency may seek injunctive relief in a court of competent jurisdiction restraining the Person from activities which would create further violations or compelling the Person to perform abatement or remediation of the violation.

B. Orders.

(1) The Highway Superintendent or his or her appointed designee may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include:

(a) Elimination of Illicit Connections or discharges to the MS4;

(b) Performance of monitoring, analyses, and reporting;

(c) That unlawful discharges, practices, or operations shall cease and desist; and

(d) Remediation of contamination in connection therewith.

(2) If the Authorized Enforcement Agency determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property Owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

(3) Within thirty (30) days after completion by the Town of all measures necessary to abate the violation or to perform remediation, the violator and the property Owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property Owner may file a written protest objecting to the amount or basis of costs with the Authorized Enforcement Agency within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Authorized Enforcement Agency affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property Owner and shall constitute a lien on the Owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. c. 59, § 57 after the thirty-first day at which the costs first become due.

C. Criminal Penalty. Any Person who violates any provision of this Bylaw shall be punished by a fine of not more than $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in G.L. c 40, § 21D and adopted by the Town as a General Bylaw in which case the Authorized Enforcement Agency of the Town shall be the enforcing Person. The penalty for the 1st violation shall be $50, 2nd violation shall be $100, and the penalty for the 3rd and subsequent violations shall be shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Entry to Perform Duties Under this Bylaw. To the extent permitted by state law, or if authorized by the Owner or other party in control of the property, the Authorized Enforcement Agency, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this Bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Authorized Enforcement Agency deems reasonably necessary.

F. Appeals. The decisions or orders of the Authorized Enforcement Agency shall be final. Further relief shall be to a court of competent jurisdiction.

G. Remedies Not Exclusive. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 27.12. Severability.
The provisions of this Bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this Bylaw or the application thereof to any person, establishment, or

circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

Adopted: May 11, 2009
Revised: Oct. 20, 2014

BYLAW 28. HAWKERS AND PEDDLERS

Section 28.1. Definition

The term "hawkers and peddlers," for the purpose of this Bylaw, shall be the same as defined in G.L. c.101, §13.

Section 28.2. License

No person shall go from place to place within the limits of the Town selling or bartering, or carrying for sale or barter or exposing therefor, any goods, wares or merchandise, either on foot or from any animal or vehicle, except as authorized by law, without first obtaining a license to do so from the Board of Selectmen upon payment of a license fee (set forth in the Selectmen's regulations), said fee to be in conformity with G.L. c.101.

Section 28.3. Regulations

The Board of Selectmen may adopt regulations to implement this Bylaw.

Section 28.4. Expiration of License

Licenses issued under the provisions of this Bylaw shall expire December 31st following the date of issuance.

Section 28.5. Exemption

Non-commercial activities are exempt from this Bylaw.

Adopted: October 19, 2009
Revised: Oct. 20, 2014

BYLAW 29. STRETCH ENERGY CODE

Section 29.1. Adoption

The Town of Sutton has adopted the provisions of 780 CMR 120.AA (i.e., Appendix 120.AA of the State Building Code or the "Stretch Energy Code"), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

Section 29.2. Purpose

The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

Adopted: May 9, 2011

BYLAW 30. TAX TITLE PAYMENT AGREEMENTS

The Town Treasurer is authorized to enter into payment agreements with persons entitled to redeem parcels in tax title. Such agreements shall be for a maximum term of one year. Each agreement will require a minimum payment at the inception of 25% needed to redeem the parcel. During the term of the agreement the Town Treasurer may not bring an action to foreclose the tax title unless payments are not made in accordance with the schedule set out in the agreement or timely payments are not made on other amounts due to the Town that are a lien on the same parcel.

Adopted: October 17, 2011