

Meeting Minutes

By-law and Charter Review Committee

July 24, 2013

7:00 pm at Town Hall

Committee Members

In Attendance:

David Surprenant
Henry Whittier
Lou Ciavarra
Glenn Coulter

Absent:

Richard Hersom

1. Approve minutes of July 10, 2013 and July 15, 2103

2. Article 30. False Alarms

The Committee made recommendations to the Article.

3. Article 31. Motorized Scooter Prohibited

The Committee made recommendations to the Article.

4. Article 32. Amusement Products By-Law

The Committee asked to have Chief Dennis Towle to review this Article.

5. Article 33. Town of Sutton Right to Farm By-Law

The Committee asked to have Jen Hager, Planning Coordinator to review this Article.

6. Article 34. Illicit Storm Water Connections & Discharge

The committee made recommendations to the Article.

7. Article 35. Hawkers and Peddlers

The committee made recommendations to the Article.

8. Article 36. Stretch Energy Code

The Committee asked to have John Couture, Building Commissioner to comment on this Article.

9. Article 37. Tax Title Payment Agreements

The Committee had no recommendations to the Article.

10. Next meeting(s) scheduled for Wednesday. August 7th at 7:00 pm

James Smith, Town Administrator will be asked to attend to review Article 27. Personnel Bylaw.

Meeting adjourned at 8:15 pm.

Respectfully submitted,

Laura Caruso

ARTICLE 30. FALSE ALARMS

Section 30.1 - Definitions

For the purpose of this Article, 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 30.2 – 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 fees:

(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 fee 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 M.G.L. C. 40, § 58, in the Worcester District Registry of Deeds until the fee is paid.

Section 30.3 – 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 fee 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 M.G.L. C. 40, § 58, in the Worcester District Registry of Deeds until the fee is paid.

Section 30.4 - 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

ARTICLE 31. MOTORIZED SCOOTERS PROHIBITED

Section 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 of Sutton, or private property without the permission of the owner.

Section 2. The Police shall have primary responsibility for the enforcement of this ordinance *Bylaw*.

Section 3. Whoever violates this section *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

ARTICLE 32. AMUSEMENT PRODUCTS BY LAW

(a) General

- ~~1. **Statement:** The Town of Sutton values the life, well being and public safety of its residents as well as the physical beauty of the community and the need to reduce litter and non-degradable wastes.~~
- ~~2. **Purpose:** To regulate the sale, possession and use of certain amusement products in public areas.~~
- ~~3. **Products:** Products commonly know as Silly String, Instant Smoke, Bomb Bag and other products similar sold for amusement in an aerosol can and knowingly used as a flammable objectionable product, have been sold in the community and have resulted in
 - (a) disfiguring, littering, and desecrating of public and private property
 - (b) indiscriminate use causing alarm to residents, physical harm to members of the public and the threat of physical harm to law enforcement officers
 - (c) threat to domestic animals and wildlife by ingesting plastic and foam being endangered thereby~~

~~(d) creation of unnecessary refuse and release of potentially environmentally substance or substances into the atmosphere.~~

~~(b) Definitions :~~ The following products are subject to this By Law:

- ~~(1) Silly String—an aerosol can from which string shaped like, foam like material may be sprayed~~
- ~~(2) Smoke Bag, Instant Smoke—a plastic bag or tube—like containers holding material which when exposed to air produces a quality of smoke like emission: and~~
- ~~(3) Other products sold in an aerosol can for amusement and knowingly used as flammable objectionable product.~~

~~(c) Prohibition of use, possession or sale: no person, firm or corporation shall use, possess, offer sale or sell products commonly known as Silly String, Instant Smoke or Smoke Bag or other products sold in an aerosol can for amusement and knowingly used as flammable objectionable products within the Town Of Sutton during the following time periods and at the following places.~~

~~Such prohibition shall apply on days of operation of carnivals, block parties and festivals requiring a permit from the appropriate town agency and on days of public parades, at or upon parks, public buildings, public streets, public and or private sidewalks, access ways and parking lots within 50 feet thereof.~~

~~(d) Exemptions:~~

- ~~(1) This ordinance shall not apply to prohibited products in transit or storage in interstate commerce.~~
- ~~(2) Flammable products sold in aerosol cans, which are to be used for their intended purpose.~~

~~(e) Enforcement: The Chief of Police or his designee shall have primary responsibility for enforcement of this ordinance. The Chief of Police is authorized to take any and all actions reasonable and necessary to enforce this ordinance, including but not limited to, inspecting any vendors or see premise to verify compliance.~~

~~(f) Injunction: In addition to all other remedies and penalties provided by this by law, the Town may bring suit in a court of competent jurisdiction to seek an injunction or other appropriate relief to halt any violation of this ordinance. Such action may include seeking a temporary restraining order or temporary injunction and other appropriate temporary relief and costs of suits including attorneys fee. Nothing in this ordinance shall be deemed to restrict a suit for damages on behalf of the Town or any other person or entity.~~

~~(g) Penalty: Any person, firm or corporation violating any provision of this by law shall be guilty of an infraction and shall pay a fine of One Hundred Dollars (\$100.00) for a first offense and Two Hundred Fifty Dollars (\$250.00) for each and every subsequent offense.~~

Adopted: August 18, 2004

ARTICLE 33. TOWN OF SUTTON RIGHT TO FARM BY-LAW

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state 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 Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 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 By-law 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 By-law shall apply to all jurisdictional areas within the Town.

Section 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 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 By-law 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 By-law 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 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 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 6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Sutton hereby declares the provisions of this By-law to be severable.

Adopted: October 15, 2007

ARTICLE 34. ILLICIT STORM WATER CONNECTIONS & DISCHARGES

Section ~~34~~- 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 ~~g~~Groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

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

The objectives of this ~~b~~Bylaw are:

- (1) To prevent ~~p~~Pollutants from entering the Town's ~~m~~Municipal ~~s~~Separate ~~s~~Storm ~~s~~Sewer ~~s~~System (MS4);
- (2) To prohibit ~~i~~Illicit ~~e~~Connections and unauthorized discharges to the MS4;
- (3) To require the removal of all such ~~i~~Illicit ~~e~~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 ~~b~~Bylaw through inspection, monitoring, and enforcement.

Section ~~34~~- 2. Definitions.

AUTHORIZED ENFORCEMENT AGENCY – The Highway Department, its employees, officers, or agents are designated to enforce this ~~b~~Bylaw.

BYLAW – Refers to Article 34. ~~Non-Storm Water Discharges~~ *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 ~~p~~Pollutant or combination of ~~p~~Pollutants into the ~~m~~Municipal ~~s~~Storm ~~d~~Drainage ~~s~~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 ~~i~~Illicit ~~d~~Discharge into the ~~m~~Municipal ~~s~~Storm ~~d~~Drainage ~~s~~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. **before the effective date of this bylaw. (section 34.13 is being deleted)**

ILLICIT DISCHARGE – Direct or indirect discharge to the ~~m~~Municipal ~~s~~Storm ~~d~~Drainage ~~s~~System that is not composed entirely of storm water, except as exempted in ~~s~~Section 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 ~~s~~Section 8 of this ~~b~~Bylaw.

IMPERVIOUS SURFACE – Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious ~~s~~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 – An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision 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, costal 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 34- 3. Applicability.

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

Section 34- 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 34- 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 34- 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 34- 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 34- 8. Exemptions.

A. Discharge or flow resulting from fire fighting activities.

B. The following ~~n~~Non-~~s~~Storm ~~w~~Water ~~d~~Discharges or flows are exempt from the prohibition of non-storm waters provided that the source is not a significant contributor of a ~~p~~Pollutant to the ~~m~~Municipal ~~s~~Storm ~~d~~Drainage ~~s~~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 ~~g~~Groundwater;
- (7) Uncontaminated ~~g~~Groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped ~~g~~Groundwater;
- (8) Water from exterior foundation drains, footing drains (not including active ~~g~~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-~~s~~Storm ~~w~~Water ~~d~~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 34- 9. Emergency suspension of ~~m~~Municipal ~~s~~Storm ~~d~~Drainage ~~s~~System access.

The Authorized Enforcement Agency may suspend ~~m~~Municipal ~~s~~Storm ~~d~~Drainage ~~s~~System access to any ~~p~~Person or property without prior written notice when such suspension is necessary to stop an actual or threatened ~~d~~Discharge of ~~p~~Pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any ~~p~~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 34- 10. Notification of spills.

Notwithstanding other requirements of local, state or federal law, as soon as a ~~p~~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 ~~d~~Discharge of ~~p~~Pollutants to the municipal drainage system or *storm* waters of the Commonwealth of Massachusetts, the ~~p~~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 ~~p~~Person shall immediately notify the Fire and Police Departments, Board of Health, and the ~~Department of Public Works~~ *Highway Superintendent*. In the event of a release of non-hazardous material, the reporting ~~p~~Person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting ~~p~~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 ~~o~~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 34- 11. Enforcement.

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

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

- (a) Elimination of ~~i~~llicit ~~e~~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. Ch. 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, ~~regulation, order or permit issued there under~~, 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. Ch. 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 34- 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.

~~34-13. Transitional provisions.~~

~~Residential property owners shall have 90 days from the effective date of this bylaw of this bylaw to comply with its provisions provided good cause is shown for the failure to comply with this bylaw during that period.~~

Adopted: May 11, 2009

ARTICLE 35. HAWKERS AND PEDDLERS

Section 35.1 Definition

The term “hawkers and peddlers,” for the purpose of this bylaw, shall be the same as defined in Section 13 of Chapter 101 of the Massachusetts General Laws.

Section 35.2 License

No person shall go from place to place within the limits of the Town of Sutton 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 Chapter 101 of the Massachusetts General Laws.

Section 35.3 Regulations

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

Section 35.4 Expiration of License

Licenses issued under the provisions of this ~~Section 5 Bylaw~~ shall ~~continue in force no later than January 1~~ expire December 31 following the date of issuance.

Section 35.5 Exemption

Non-commercial activities are exempt from this Bylaw.

Adopted: October 19, 2009

ARTICLE 36. STRETCH ENERGY CODE

Section 36-1. 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 36-2. 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

ARTICLE 37. 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