

NORTON TOWN BY-LAWS

MAY 2011

INDEX

| | <u>PAGE</u> |
|---|--------------------|
| BETTERMENTS | 57 |
| BOARD OF HEALTH | 10 |
| CAPITAL IMPROVEMENTS | 4 |
| COMMUNICATION | 5 |
| CONSERVATION | 6 |
| COUNCIL ON AGING | 7 |
| DOG CONTROL | 18 |
| EMPLOYMENT BENEFITS | 43 |
| FALSE PRIVATE ALARMS | 58 |
| FINANCE COMMITTEE | 9 |
| FINANCIAL & FISCAL PROCEDURES | 48 |
| FISCAL TOWN REPORT | 15 |
| GENERAL | 14 |
| GRAVEL REMOVAL | 32 |
| HISTORIC DISTRICT BY-LAW | 11 |
| ILLICIT DISCHARGES TO THE MUNICIPAL STORM DRAIN SYSTEM | 66 |
| JOB CLASSIFICATION | 38 |
| LICENSES AND PERMITS OF DELINQUENT TAXPAYERS | 53 |
| LOCAL BALLOT QUESTIONS | 63 |
| MANDATORY RECYCLING ORDINANCE | 51 |
| MOTOR BOATS & PERSONAL WATERCRAFT | 33 |
| NON-CRIMINAL DISPOSITION | 34 |
| PARKING AREAS FOR VEHICLES OF DISABLED VETERANS OR HANDICAPPED PERSONS | 21 |
| PERSONNEL BY-LAW | 35 |

INDEX (CONT.)

| | <u>PAGE</u> |
|--|-------------|
| POLICIES, PROVISIONS, AND CONDITIONS OF EMPLOYMENT | 40 |
| PROCUREMENT | 47 |
| PUBLIC SAFETY | 20 |
| PURCHASES BY BID | 16 |
| QUALIFICATIONS FOR TOWN MANAGER | 8 |
| RACING | 27 |
| REPEAL AND AMENDMENT | 46 |
| ROADSIDE MEMORIALS | 65 |
| SALARY PLAN | 39 |
| SCREENING COMMITTEE | 49 |
| SENIOR CITIZEN PROPERTY TAX WORK-OFF PROGRAM | 61 |
| SEWER CONNECTION | 60 |
| SOLICITORS | 17 |
| STREETS | 22 |
| TEMPORARY REPAIRS OF PRIVATE WAYS | 24 |
| TOWN CLERK/TAX COLLECTOR FEES | 52 |
| TOWN MEETINGS | 1 |
| TOWN OFFICERS | 2 |
| TRAILER BY-LAW | 25 |
| USE OF LAND AND BUILDINGS | 26 |
| WATER RESOURCE PROTECTION BY-LAW (Repealed) | 28 |
| WATER SUPPLY BY-LAW | 55 |
| WATER WITHDRAWAL | 64 |
| ZONING BY-LAWS | 32 |

INDEX (CONT.)

PAGE

GENERAL LAWS ACCEPTED BY THE TOWN OF NORTON

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ACTS AND RESOLVES

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TOWN MEETINGS

1. The Spring Annual Town Meeting to consider all articles on the warrant following Article 1, (ballot election of Town Officers) shall be held on the second Monday in May of every year. The Fall Annual Town Meeting shall be held no earlier than September 1 and no later than October 15 of every year.

(AMENDED 10/8/2003 & APPROVED by A.G. 1/13/04)

2. The Board of Selectmen shall close the Annual Town Meeting Warrant at least 90 days prior to the Annual Town Meeting. The Board of Selectmen shall close the Fall Annual Town Meeting Warrant at least 45 days prior to the Fall Annual Town Meeting and shall forward a copy of that Warrant to the Chairman of the Finance Committee, the Moderator, and the Town Clerk within 20 days of its closing.

(Amended, ATM 6/8/98 & Approved by the A.G. 9/28/98)

3. The Selectmen shall notify the voters of the Town of the date of the Spring and Fall Annual Town Meeting by causing attested copies of the Warrant of such meetings to be posted at Chartley Post Office, Norton Post Office, Trinitarian Church, Unitarian Church, Norton Library, and three other public places seven days prior to each such meeting. Voters shall be warned of any Special Town Meetings by the posting of Warrants in the same manner, except 14 days prior to such Special Meeting.

(AMENDED 10/1/90 & APPROVED 2/27/91)

4. There shall be no quorum requirements for either Annual or Special Town Meetings.

(AMENDED 1/22/90 & APPROVED 3/21/90)

5. The procedure and conduct of the business portion of all Town Meetings shall be governed by Town Meeting Time by Johnson, Trustmen and Wadsworth.

(APPROVED 10/4/74)

6. The Moderator may take all votes requiring a two-thirds majority in the same manner in which he or she conducts the taking of a vote when a majority vote is required. The Moderator shall declare that the vote has passed by a two-thirds majority or unanimous vote. If seven voters question the Moderator's declaration of the vote, a counted vote shall then be taken. If fifteen of the voters present so request, the vote must be by ballot.

(AMENDED & APPROVED 8/12/97)

7. Any article on which the Town Meeting takes no action shall be considered lost by unanimous voice vote.

(APPROVED 3/11/80)

TOWN OFFICERS

1. The annual election of officers in the Town of Norton shall take place on the last Tuesday of April.
(Amended 6/2/03 (APPROVED BY A.G. 9/4/03))
2. a. The Selectmen may grant licenses to such persons as to them may appear proper and suitable to be junk collectors to collect by purchase or otherwise junk, old metals and second hand articles from place to place within the town of Norton and they may prescribe that such persons may conspicuously display badges on their person or signs upon their vehicles or both when engaged in collecting, transporting or dealing in junk, old metal or second hand articles and may prescribe the design thereon. The Selectmen may prescribe the terms upon which such licenses may be granted.

b. Such licenses shall continue in force for one year from the date of their issue and may be revoked at any time by the Selectmen. The holders of such licenses shall be subject to all provisions of law relating thereto.

c. Any place, vehicle, or receptacle used for the collecting, keeping of the aforesaid and all articles of merchandise therein may be examined at all times by the Selectmen, Police Officers, or by any persons authorized by them to do so. All scales, weights or measures used in their business by such collectors of junk shall be tested and sealed by the Sealer of Weights and Measures of said town.
(APPROVED 3/24/30)
3. The Selectmen shall have authority to prosecute, defend or to otherwise settle all claims, suits or controversies to which the Town is party and to employ legal counsel if they deem such action necessary. (APPROVED 3/24/30)
4. All boards of officers of the Town shall cause records of their doings and accounts to be kept in suitable books which shall be kept in their respective offices when in use and in the town vault when not in use.
5. The Selectmen shall have the power and may from time to time sell, after first giving notice of the time and place of sale, property taken by the town under tax title procedures provided that the Selectmen or whomsoever they may authorize to hold such public auction may reject any bid that they deem inadequate. (APPROVED 6/6/40)
6. The Town Clerk shall maintain a complete and up-to-date copy of the Town By-Laws which shall be available to the public, and shall compile such by-laws and shall assign to them appropriate headings and number them sequentially under such headings.
(AMENDED 5/2/88 & APPROVED 8/30/88)

TOWN OFFICERS (CONT.)

7. A copy of any report or study produced by a consultant and paid for with town funds shall be filed with the Town Clerk immediately upon its completion and shall be kept as a permanent town record. A second copy shall be retained by the town library for public use.
(APPROVED 9/4/74)

8. All Town owned vehicles shall be marked with the appropriate Town Department.

"Unmarked" police vehicles shall be exempt from the provisions of this by-law.

(Voted 5/2/88)

(APPROVED 8/30/88)

CAPITAL IMPROVEMENTS

(APPROVED 7/19/78)

1. A major expense shall be defined to include any item or project which exceeds the cost of \$10,000.00. (AMENDED 10/20/04) (APPROVED 12/9/04)
2. A non-recurring expense shall not include personnel or salary expenses nor shall a non-recurring expense include that which would normally be considered an annual, operating budget expense. In this regard, police, fire, and highway equipment which is replaced annually shall not be considered a Capital Expenditure. Equipment replacements made less frequently or for the first time shall be considered capital expenditure.
3. Department and Committee heads shall be required to submit complete inventories and requests to the Capital Improvement Committee annually. The Capital Improvement Committee shall consist of one member of the Finance Committee; one member of the Board of Selectmen; one member of the School Committee, and one member of the Planning Board, each of whom shall be designated by their respective board or committee no later than October 15 of each year. In addition, the Town Manager shall serve on the committee. The names of the committee members shall be submitted to the Town Manager no later than October 15. The Town Manager shall call and convene the initial meeting no later than the first week of November.
(AMENDED 10/20/04) (APPROVED 12/9/04)
4. The Capital Improvement Committee shall review all Department and Committee inventories and requests and shall prepare a five year Capital Improvements Program, to include a reasonable scheduling of capital expenditures of the period. The program and recommendations shall be submitted to the Town Manager no later than December 15th.
5. The Capital Improvements Committee shall annually revise the five year Capital Improvements Program and shall also prepare a Capital Improvements Budget recommendation. The revisions and recommendations shall be submitted to the Town Manager at least 180 days prior to the start of the fiscal year. (AMENDED 10/1/90) (APPROVED 2/27/91)
6. The purchase of all capital items which are considered non-recurring expenses under Section 2 of this by-law and whose value exceeds \$10,000.00 must first be submitted to the Capital Improvements Committee for its review. The Committee shall have twenty days to review the proposal and make its recommendations, after which time the department submitting the request may proceed with the purchase.
(AMENDED 10/20/04) (APPROVED 12/9/04)

CAPITAL IMPROVEMENTS FUND

There is hereby established as a separate account in the Treasury a Capital Improvements Fund. Monies may be appropriated into the Capital Improvements Fund by a majority vote of any Town Meeting and said monies shall be kept segregated from other funds. The Capital Improvements Fund may be appropriated at any Town Meeting by a two-thirds vote for any purpose for which the Town would be authorized to borrow money under Section 7 and 8 of M.G.L. Chapter 44.

(AMENDED 1/13/92)

(APPROVED 2/21/92)

COMMUNICATION

1. TITLE: This by-law shall be known as the Norton Communication Commission By-Law.

The operation of the Emergency Communication Center shall be under the control of the Town Manager. The Communications Supervisor shall be responsible for overseeing the day-to-day operation of the Center. Both the Police Chief and the Fire Chief shall service in an advisory capacity as to the policies and procedures used in the operation of the Center.

(AMENDED 6/9/97)
(APPROVED 8/12/97)

CONSERVATION

CONSERVATION PLAN AND ADMINISTRATIVE REVIEW FEE SCHEDULE:

The Norton Conservation Commission as a duly established Commission in accordance to Massachusetts General Law Chapter 40, Section 8C, and holding the responsibility to interpret, review and enforce the Wetland's Protection Act, Massachusetts General Law Chapter 131, Section 40, as amended, and issue permits under said Act and identify the Town of Norton's wetlands in accordance to Norton's Zoning By-Laws, Article 6.4 shall establish a reasonable PLAN REVIEW AND ONSITE INSPECTION FEE schedule.

(ADOPTED 5/19/86)

(APPROVED 10/3/86)

COUNCIL ON AGING

1. The Board of Selectmen shall appoint a Council on Aging for the purpose of carrying out or coordinating programs designed to meet the problems of the aging in cooperation with the programs of the Commission on Aging established under Chapter 6, Section 73 of the General Laws.
2. The Board of Selectmen shall appoint the Council on Aging consisting of nine members. Upon acceptance of the By-Law, the Board shall appoint three members for three years, three members for two years, and three members for one-year terms. Members may be appointed for recurrent terms. The members of the Council shall serve without compensation.
3. Whenever a vacancy shall occur in the membership of the Council, by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled by appointment by the Selectmen for the remainder of the term.
4. The Council on Aging at its first annual meeting and thereafter, in April of each year, shall elect from its membership a President, 2nd Vice President, Secretary and Treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Council shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.
5. The Council shall prepare and submit annual reports of its activities to the Town and shall send a copy thereof to the Commission on Aging.

(APPROVED 7/24/72)

ATM 3/6/72 – Article 23

By Law adopted in accordance with the provisions of Chapter 40, Section 8B of the General Laws.

QUALIFICATIONS FOR TOWN MANAGER

1. The Town Manager shall, in addition to the qualifications as stated in Article 4, Section 4-1 of the Town Charter, have at least an earned bachelor's level degree from a recognized accredited college or university or shall have served a minimum of five years as chief administrative officer of city or town.

(VOTED 10/1/90)

(APPROVED 2/27/91)

FINANCE COMMITTEE

1. The Town shall have a committee called the Finance Committee, which shall consider any and all municipal questions for the purpose of making reports or recommendations thereon to the Town.
2. Such committee shall consist of 11 registered voters of the Town. No member of the Committee shall be a town officer nor shall he serve on any other board, committee or commission, of the Town or any subcommittee appointed by any other Town Official, board, committee or commission, except that he may serve on special committees which may be related from time to time by vote of the town meeting when such vote expressly authorizes him to serve.
3. Each member of the committee shall be appointed by the Moderator to serve for a term of three years. The term of four (then four, then three) of the members of the committee shall expire each year on the thirtieth day of June. The Moderator shall appoint a successor for any member of the committee whose term expires that year and shall, after any vacancy occurs in the committee, appoint a successor to fill that vacancy for the unexpired term of his predecessor.
4. The Finance Committee shall, as soon as possible after the annual appointment of new members to the committee has been made, meet for the purpose of re-organization. They shall elect from their membership a Chairman, and Vice-Chairman, who shall hold office until their successors are elected.
5. The committee may from time to time make such rules and regulations with reference to their meetings and the conduct of their work as they may deem best for the interests of the Town.
6. The Finance Committee shall report in print its recommendations as to each article in the Warrant for each session of the Annual Town Meeting. The recommendations shall be those of the majority of the Committee.

Copies of the warrant together with the Finance Committee's recommendations shall be made available to the public at the Norton Public Library, Norton Municipal Center, all the Fire Stations and any other public location deemed appropriate, at least seven (7) days prior to the commencement of both the spring and fall session of the Annual Town Meeting. At the discretion of the Finance Committee a copy of the Warrant along with the Finance Committee's recommendations may also be published in a local newspaper.

Copies of the Warrant together with the Finance Committee's recommendations shall also be made available for distribution at each session of the Annual Town Meeting.

(AMENDED 10/1/90)

(APPROVED 2/27/91)

BOARD OF HEALTH

1. There shall be a Board of Health consisting of three members appointed by the Board of Selectmen. Upon approval of this By-Law, one member shall be appointed for a term of one year, one member for a term of two years, and one member for a term of three years. All subsequent terms shall be for three years. All terms shall run from July 1st to June 30th of the appropriate years. All appointments shall be made in June of each year.
2. One member must have at least three years experience in a medical or health-related field. One member must have at least three years experience in an engineering, environmental, or solid waste/wastewater management. One member shall be appointed from the community at large, and shall be a person who has demonstrated interest, willingness to serve, and some knowledge of the duties and responsibilities.
3. No Town Official, appointed or elected, shall be eligible to serve on the Board of Health. No member of any standing Town Board or Committee, including the Norton Housing Authority or similar quasi-local Board, shall be eligible for appointment.
4. The Board of Health shall enjoy the full privileges provided for under State and local laws. They shall have the responsibility of preparing yearly budgets and shall appoint an agent or agents as necessary, subject to funding.
5. If any portion of this By-Law is declared invalid for any reason, all other portions shall continue in full force and effect.

(VOTED 5/19/84)

(APPROVED 11/6/84)

HISTORIC DISTRICT BY-LAW

1. This by-law shall be known as the Norton Historic District By-Law and is adopted pursuant to Chapter 40 C of the General Laws of the Commonwealth of Massachusetts as amended.
2. The purpose of this by-law is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Town of Norton or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.
3. Historic District - There is hereby established under the provisions of Chapter 40C of the General Laws as amended an historic district to be known as the Norton Center Historic District which shall be bounded as verbally described in the Final Report of the Norton Historic District Study Committee dated April 1975, filed with the Board of Selectmen and the Town Clerk and as shown on a plan affixed to said Final Report and entitled Proposed Norton Historic District, compiled from assessors maps sheets 17 and 23. Said description and said plan shall be part of this by-law.
 - A. Membership - There is hereby established under Chapter 40C of the General Laws an Historic District Commission consisting of seven members and two alternate members, appointed by the Board of Selectmen, including one member from two nominees submitted by the Norton Historical Society, one member from two nominees submitted by the chapter of the American Institute of Architects covering Norton, one member from two nominees submitted by the Board of Realtors cover Norton, and at least one resident of the district. The Commission shall also include one member nominated by any landowner owning more than one-third of the land area contained within the District. The members chosen from nominees made by the American Institute of Architects and Board of Realtors need not be residents of the Town.
 - B. Terms of Office - When the Commission is first established, two members and one alternate shall be appointed for a term of one year, two members and one alternate for a term of two years, and three members for a term of three years.
 - C. Vacancies - Shall be filled within 60 days by the Board of Selectmen by appointment for the unexpired term.
 - D. All members and alternate members shall serve without compensation.
4. The Historic District Commission shall have all the powers and duties of Historic District Commissions as provided by the Historic District Act, General Laws, Chapter 40C, and of subsequent amendments thereto unless specifically limited by the by-law.
 - A. Rules and Regulations - The Commission may adopt rules and regulations not inconsistent with the provisions of the Historic Districts Act.
 - B. Expenditures - The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work provided that the Town appropriate funds for these purposes.

HISTORIC DISTRICT BY-LAW (CONT.)

- C. General Regulatory Powers - The Commission shall have control over new construction, reconstructions, alterations, movements and demolitions of all exterior architectural features of buildings and structures within the Historic District which are visible from any public street, public way or public park within the Historic District except as limited by this By-Law. The term structure includes stone wall, fences, driveways, walks, terraces, steps, paving, signs, lights and appurtenant fixtures on lots, buildings or structures. For purposes of this By-Law, any structure partially within the district shall be considered wholly within the district. The Commission may also administer for the Town any properties which the Town may vote to place in its care, and may be assigned other related powers by vote of the Town.
- D. Considerations - In passing on matters before it, the Commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design arrangement of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the Commission may, in appropriate cases, impose dimensional and set back requirements in addition to those required by the applicable zoning By-Law.
- E. Waiver of Review - The Commission may determine from time to time after public hearing that certain categories of exterior architectural feature, structures or signs may be constructed or altered without review by the Commission. The Commission may, after public hearing, set forth the various designs of certain appurtenances, such as light fixtures, which will meet the requirements of an historic district but no such determination shall limit the right of an applicant to present other designs to the Commission for its approval.
5. Limitations
- A. The Historic District Commission shall not make any recommendation or requirement with regard to new construction, reconstructions or additions except for the purpose of preventing developments incongruous to the historic aspects or architectural characteristics of the surroundings and of the historic district.
- B. The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence, shall be exempt from the control of the Historic District Commission.
6. Procedures - The Commission shall conduct all of its business and execute all of its duties in accordance with the General Laws, Chapter, Chapter 40C, Sections 1-17, as amended.

HISTORIC DISTRICT BY-LAW (Cont.)

7. Copies of Permits - The Building Inspector and the Planning Board shall be responsible for passing on to the Historic District Commission copies of all requests for permits for exterior construction or reconstruction involving buildings or land located within the Historic District.
8. Severability - In the event that any section, paragraph or part of this by-law is for any reason declared invalid or unconstitutional, every other section, paragraph or part shall continue in full force and effect.
9. Effective Date - Following Town Meeting approval, this by-law takes effect immediately when the following conditions have been met:
 - A. Approval by the Attorney General of the Commonwealth.
 - B. Filing of map of the boundaries of the Historic District with the Norton Town Clerk, the Norton Building Inspector, and the Registry of Deeds, Taunton, Massachusetts.

(APPROVED 10/7/75)

GENERAL

1. No person shall behave in an indecent or disorderly manner or use profane, indecent or insulting language in any public place or on any sidewalk or street in the Town.

(APPROVED 3/24/30)

2. Rubbish of any description shall not be dumped within one hundred feet of a public highway, except upon such a lot or lots as may be designated by the Board of Health as a public dumping place. Any person violating the provisions of the by-law shall be punished by a fine for each offense.

(APPROVED 3/30/36)

3. No person shall use or consume, or attempt to use or consume, any alcoholic beverage, wine or malt liquor, as defined in Chapter 138, Section 1 of Massachusetts General Laws in or upon any public place or place to which the public has a right of access or licensees, including but not limited to all public ways, roads, sidewalks, parking lots, parks and commons, cemeteries, municipal buildings, schools and the grounds and athletic fields appurtenant thereto, and which shall include any motor vehicle or bicycle when parked or moving upon any of the aforementioned places or locations. Nothing herein shall be construed to prohibit the duly licensed use and consumption of said liquors as provided by law, or the use and consumption of said liquors in or upon private property or dwellings as may be permitted by law or the use and consumption of said liquors upon premises under the jurisdiction of the Park and Recreation Commission after obtaining express permission from the Commission for such purpose, and any applicable license therefor under said Chapter 138 of the General Laws.

(AMENDED 6/9/97)

(APPROVED 8/12/97)

4. No person shall enter in or remain in any public park, common, cemetery, or any other town owned property between the hours of 10:00 p.m. and 7:00 a.m. on any day except for the express purpose of using said property for its intended design.

(APPROVED 9/19/77)

(AMENDED 9/25/00/APPROVED 1/5/01)

FISCAL TOWN REPORT

1. The Selectmen shall print the Annual Town Report for the period beginning July 1 and ending the following June 30th of each fiscal year, said report to be completed not later than fourteen (14) days prior to the Spring Annual Town Meeting.

(VOTED ATM 10/15/07, APPROVED BY
ATTY. GENERAL 10/25/07)

2. The Annual Town Report shall contain a listing of salaries, wages and total compensation paid to all town employees and/or officers during the fiscal year covered by said report.

(APPROVED 3/11/80)

PURCHASES BY BID

(APPROVED 2/12/85)

REPEALED.6/9/97 - APPROVED 8/12/97

Follow procedures set forth in Chapter 30B of General Laws.

(APPROVED 6/11/97)

SOLICITORS

No solicitation or offer to buy or sell any foods, items or services shall be made at any household without a permit. Such a permit may be issued to any reputable person by the Police Department upon payment of ten dollars, said permit to be effective for the calendar year of its issue. Solicitors for non-profit charitable and religious organizations shall be exempt from paying any fee for such permit. This by-law shall not apply to persons who are otherwise licensed to perform their trade or business, or to students in connection with any enterprise related to their school system.

(AMENDED MAY "88" & APPROVED 8/30/88)

DOG CONTROL

Under the Dog Control By-Law all citizens have a responsibility to see that dog owners are accountable for the actions of their dogs. In establishing this by-law, the Town of Norton recognizes that the right of dog ownership carries with it the responsibility to provide adequate control to insure that no dog is a danger or a nuisance.

1. The annual fee for every dog license shall be established by Town Meeting. All fees shall be retained by the Town Treasurer in the Reserve Appropriation for Norton Dog System established under Article 16 of the Special Town Meeting of May 21, 1986. No fee shall be charged for a license for a dog specially trained to serve a blind or deaf person provided that the division of the blind or deaf certify that such a dog is so trained and actually in the services of a blind or deaf person. No license fee or part thereof shall be refunded because of the subsequent death, loss, altering, or removal from the Commonwealth or other disposal of the dog. (Amended 6/2/03) (Approved by A.G. 9/4/03)
2. No person shall own or keep a dog in the Town which by biting, excessive barking, howling, or in any other manner disturb the quiet of the public.
3. COMPLAINT OF NUISANCE: If any person shall make a complaint in writing to the Dog Officer that any dog owned or harbored within his jurisdiction is a nuisance by reason of vicious disposition or excessive barking or other disturbance, the Dog Officer shall investigate such complaint and submit a written report to the Selectmen of his findings and recommendations, together with the written complaint. Upon receipt of such report and examination of the complaint under oath, the Selectmen may make such order concerning the restraint, muzzling, or disposal of such dog as may be deemed necessary by the Dog Officer who, after investigation, may issue an interim order such dog be restrained or muzzled for a period not to exceed 14 days to enable the Selectmen to issue their order following receipt of the report of the Dog Officer. If the Selectmen fail to act during the period of the interim order, upon expiration of the period the interim order automatically is vacated.
4. The Dog Officer may restrain or muzzle, or issue an interim order to restrain or muzzle, for a period not to exceed fourteen days, any dog for any of the following reasons:
 - A. For having bitten any person.
 - B. If found at large or unmuzzled, as the case may be, while an order for the restraint of such dog is in effect.
 - C. If found in a school, schoolyard or public recreational area.
 - D. For having killed or maimed or otherwise damaged any other domesticated animal.
 - E. For chasing any vehicle upon any public way or way open to public travel in the Town.
 - F. For any violation of Section 2.

DOG CONTROL (Cont.)

Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Dog Officer shall submit in writing to the Selectmen a report of his action and the reasons thereof. Upon receipt of such report the Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as may be deemed necessary. If the Selectmen fail to act upon the report during the period the dog is restrained or muzzled, upon expiration of the period, the interim order is automatically vacated.

5. APPEAL OF RESTRAINT OR MUZZLING: The owner or keeper of any dog that has been ordered to be restrained or muzzled or has been restrained under this By-Law, may file a written request with the Dog Officer that the restraining order be vacated or that the dog be released. After investigation by the Dog Officer, such officer may vacate such order or release such dog if the order or restraint was imposed by him. If the order was imposed by the Selectmen, the Dog Officer shall submit a written report of his investigation with his recommendations to the Selectmen who may vacate such order.
6. Any owner or keeper of a dog who shall fail to comply with any order of the Dog Officer or Selectmen issued pursuant to this By-Law shall be punished by a fine.
(APPROVED 10/29/73)
7. No owner or keeper of any dog shall cause or permit such dog, whether licensed or unlicensed, to run at large or to be a public nuisance within the Town of Norton or permitted to wander at will on public or private property other than the premises of the said owner or keeper or the premises of another person with knowledge and permission of such other person
(APPROVED 9/19/77)
8. No owner or keeper shall cause or permit any dog to run at large within the Town. While on any public way or place, dogs shall be under restraint by the owner or keeper. A dog is under restraint within the meaning of the By-Law if he is controlled by a leash or at heel beside a competent person and obedient to the commands of that person or on or within a vehicle being driven or parked on the street. Dogs running at large will be caught and confined and the owner notified. Owners or keepers in violation of this section will be liable to a fine of not less than ten dollars for each violation.
(AMENDED 5/88 & APPROVED 8/30/88)
9. Should any owner or keeper of a dog fail to license that dog before March 1st, that owner or keeper shall pay a late fee of five dollars plus an additional fee of one dollar per month beginning March 1, before obtaining said license, excepting a dog brought into the Town as provided in Section 138 of Chapter 140, Massachusetts General laws, this late fee shall be applicable from the 61st day after arrival of such dog. Any person maintaining a kennel in the Town of Norton, who fails to license as proscribed by this section and the Laws of the Commonwealth, shall pay a late fee of ten dollars plus an additional fee of two dollars per month beginning March 1. All late fees shall be retained by the Town Treasurer in the Reserve Appropriation for Norton Dog System established under Article 16 of the Special Town Meeting of May 21, 1986.
(AMENDED 1/19/11 & APPROVED 2/10/11)
10. The annual dog license period shall run from January 1st to December 31st, inclusive, of each calendar year.
(APPROVED 1/19/2011)

PUBLIC SAFETY

1. PUBLIC SAFETY REGULATION: It shall be unlawful to obstruct or block a private way with a vehicle or any other means so as to prevent access by fire apparatus, fire equipment, ambulance service or police cruisers to any multiple building, stores, shopping centers, schools, and places of public assembly.
2. PUBLIC SAFETY LANES: It shall be unlawful to obstruct or park a vehicle in any Public Safety Lane, such Public Safety Lanes to be designated by the Chief of the Fire Department and the Chief of the Police Department. Said Public Safety Lanes to be a distance of twelve (12) feet from the curbing of a side walk in a shopping center, apartment complexes and similar locations. Where no sidewalk with curbing exists, the distance and location shall be established by the Chief of the Fire Department and the Chief of the Police Department and posted as such.
3. Any object of vehicle obstructing or blocking any Public Safety Lane or private way may be removed or towed by the Town under the direction of a Police Official with the rank of Sergeant or higher at the expense of the owner and without liability to the Town of Norton.
4. The owner of record of any building affected by these sections shall provide and install signs and road markings as provided in Paragraph B of this section. Said signs shall be no less than 12" x 18" and shall read "Public Safety Lane - No Parking - Tow Zone."
5. Any person violating any of the foregoing sections may, for each offense, be punished by a fine of Twenty-five (\$25.00) dollars. Each day that such violation continues shall constitute a separate offense.

(VOTED ATM 5/14/85, ARTICLE 9. APPROVED BY ATT'Y GENERAL 8/19/85)

PARKING AREAS FOR VEHICLES OF DISABLED VETERANS OR HANDICAPPED
PERSONS

1. Owners or persons in control of private ways or improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, or other places where the public has a right of access shall reserve parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by Massachusetts General Law, C. 90, S.2, in accordance with the provisions of Massachusetts General Law, C.40, S.21(23)
2. No person other than a disabled veteran or handicapped person shall park or leave a vehicle unattended within parking spaces designated as reserved for vehicles owned and operated by disabled veterans or handicapped persons as authorized by MGL C.40, S.21 (23) or in such manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way.
3. The penalty for violation of this article shall be as follows: For the first offense, fifty dollars (\$50.00); for the second offense, one hundred dollars (\$100.00); for each subsequent offense the vehicle may be removed in accordance with Massachusetts General Laws, C.266, S120D.

(VOTED ATM 10/11/89, Article 3, APPROVED BY ATT'Y GEN. 11/9/89)

STREETS

1. The superintendent of streets or other officer having charge of ways may, for the purpose of removing snow or ice, remove or cause to be removed to some convenient place including a public garage, any vehicle parked on town streets or ways which interfere with such work and may impose liability for such removal and storage upon the owner of such vehicle.
(APPROVED 11/9/59)
2. Any person intending to erect, repair or take down any building on land abutting on any public way of the town and who desires to use any portion of said way for rubbish or building material must first obtain written permission from the Board of Selectmen. Such permit shall be on the condition that the licensee shall first: Keep a sufficient number of lighted lanterns between sunset and sunrise at or near part of such way obstructed or unsafe; second: shall keep a railing or guard around the same while such obstruction shall continue; third: restore the way to its former condition and, fourth: execute an agreement to indemnify the town against all damages arising from the existence of such obstruction.
(APPROVED 3/24/30)
3. No person shall suffer any wood or coal or any cart or wagon or other impediment to remain within the limits of a street or upon any sidewalk so as to in any manner obstruct the travel thereon or for more than twenty four hours after he has been notified by the Selectmen or by any officer having charge of the highways or by any constable or police officer to remove the same.
(APPROVED 3/24/30)
4. No person shall throw, pipe, or otherwise deposit in any manner, or allow to be dropped from any vehicle upon any public way, place, or square in the Town, any article, substance or material, including snow and water, which may cause or create a hazardous condition in such public way, place or square.
(AMENDED 6/9/97 & APPROVED 8/12/97)
5. No person shall distribute papers, circulars, or advertising matter through the public streets or public places of the town in such a manner as to make a litter.
(APPROVED 3/24/30)
6. No person shall stand, obstruct or loiter on any sidewalk or public way in such a manner as to interfere with a free passage for pedestrians or motor vehicles.
(APPROVED 1/20/75)
(VOTED 6/11/97)
(APPROVED 8/12/97)

STREETS (cont)

7. Snow Removal:

- A. No owner, tenant, or occupant of real estate, nor any employee, contractor, or agent employed by or representing the aforementioned, shall place by plowing, shoveling, or other means, or cause to be so placed, snow upon any public sidewalk, street, or parking lot, or any other public place in the Town; provided, however, that the Highway Superintendent may establish specific public places in Town, by promulgating a list thereof and posting the same at the offices of the Highway Superintendent, Board of Selectmen and Town Clerk, where snow may be so placed.
- B. This Bylaw, and any rules and regulations promulgated hereunder, may be enforced by the Highway Superintendent or any police officer of the Town through any means available in law or equity, including but not limited to criminal indictment in accordance with G.L. c.40, §21, and noncriminal disposition in accordance with G.L. c. 40, §21D, and the Town Bylaws, "Non-Criminal Disposition." When enforced in accordance with G.L. c.40, §21, the maximum penalty shall be \$300.00 and each day a violation exists shall constitute a separate violation.

When enforced through noncriminal disposition, the penalties shall be as follows:

| | |
|---|----------------|
| First violation: | Verbal Warning |
| Second violation: | \$ 100.00 |
| Third and subsequent violations within 12-month period of first violation: | \$ 300.00 |

For purposes of enforcement through non-criminal disposition, any violation of the provisions of this by-law occurring more than 12 months after a first offense shall constitute a new and separate violation.

- C. The enforcing person shall to the extent possible and as applicable record the following information in response to a complaint of a violation of Section 7(A): name and address of person violating the by-law; name and address of property owner; date, time, and location of the violation; and registration number of involved motor vehicle. If the violator refuses to provide identifying information, or if information provided proves false, incorrect, or otherwise invalid, such action shall be deemed a violation of this section, and shall be enforceable in any manner set forth in Section 7(B), provided, however, that the fine for such violation shall be \$300.00.

(APPROVED 5/9/11)

TEMPORARY REPAIRS OF PRIVATE WAYS

1. Notwithstanding the provisions of any general or special law to the contrary, the Town of Norton is hereby authorized to make temporary repairs on private ways within its corporate and municipal limits which have been open to public use for six years or more and in such cases the provisions of section twenty-five or chapter eighty-four of the General Laws shall not apply.
2. After a vote by a town meeting of the Town of Norton, pursuant to petition by at least two-thirds of the abutters thereon, that conditions exist on a private way which require temporary repairs by public necessity, the superintendent of streets of said town shall cause the temporary repairs to be made. Said temporary repairs shall include only the filling in of holes or depressions with sand, gravel, cinders or other suitable materials in order to make said way passable, and shall not include construction, reconstruction, or resurfacing of said ways. Drainage shall not be included. Betterment charges shall not be assessed. Said town shall have no liability in tort on account of the performance by such repairs.

In no event shall temporary repairs be made to any private way where the cost of said repairs shall exceed the sum of three dollars per linear foot as delineated by the superintendent of streets of said town.

3. The Town of Norton is hereby authorized to appropriate money for the purposes of this act.

(AMENDED 5/19/86, APPROVED 10/3/86)

TRAILER BY-LAW

1. OUTSIDE OF TRAILER PARK - In areas external to an approved trailer park, house trailers shall be used or parked only as provided below.
 - a. The Board of Health may grant a permit for a house trailer to be used and parked on private property as a residence. Such property shall be considered to include occupied dwelling lots. The permit shall be granted for a period not to exceed 30 days in any one year. The Board of Health may extend the permit for an additional 30-day period if requested to do so. Water supply and sewage disposal facilities for such a trailer must be approved by the Board of Health.
 - b. The Board of Health may grant a permit for a house trailer to be parked and used for a residence while a house is being constructed on the same premises. Such a permit shall be valid for one year, but it may be extended by the Board of Health for one year additional if the Board is satisfied that construction is being carried forth in good faith. If the construction ceases to be carried forth in good faith, the Board shall revoke the permit. The sewage facilities to be provided for such a trailer shall be the same as the facilities required by the Board of Health for a dwelling.
 - c. An unoccupied and unused house trailer may be parked on private property.
(APPROVED 4/7/58)
2. The maximum number of outstanding trailer park or mobile home park licenses issued under Chapter 140 of the General Laws shall not at any time exceed the number of said licenses issued by the Board of Health, and in conformity with the applicable Zoning By-Laws as of December 11, 1972.
(APPROVED 3/5/73)

USE OF LAND AND BUILDINGS

1. All buildings on or near the line of public or private ways within the Town shall be numbered by the Planning Board, said numbers to be not less than two inches in height to be placed upon the building or appurtenances thereto by the owner or occupant thereof and to be so placed as to be visible from the street or way.
2. All Warrant Articles involving Real property, whether zoning or otherwise, shall, where practical, include the street name and/or location, as well as the assessors map, parcel and lot number.
(AMENDED – May “88” & APPROVED 8/30/88)

RACING

The racing of any kind, namely, by means of motor vehicles or go-carts, is prohibited within the boundaries or borders of the Town of Norton.

(APPROVED 7/17/61)

WATER RESOURCE PROTECTION BY-LAW

(Voted to Repeal – ATM 6/8/98)

1. PURPOSE

- A. A Water Resource Protection District is hereby established within the Town of Norton as shown on a map entitled "Water Resource Protection District", dated December, 1980, and to a scale of 1 inch to 2,000 feet on file in the office of the Town Clerk. Said district is hereby made a part of the Norton Zoning Map adopted April 16, 1974, amended June 26, 1978.
- B. The purpose of this by-law is to protect the public health by establishing performance standards which all govern activities potentially affecting groundwater in the Water Resource Protection District.

2. APPLICABILITY

- A. The by-law shall apply to land within the Water Resource Protection District as delineated in the zoning by-law of Norton.
- B. All changes in land use, expansion of existing facilities, changes of drainage, wastewater disposal, logging, earth moving, application of herbicides, pesticides and fertilizers, storage and handling of hazardous materials are regulated by this by-law.
- C. Existing uses shall be brought into conformity no later than July 1, 1984.

3. ADMINISTRATION AUTHORITY

Before a building permit may be issued in the case of new construction, or before any change of use of any parcel of land within the district, a certificate of compliance shall be obtained from the Board of Water Commissioners in accordance with this by-law.

- A. The Board of Health shall require compliance with the applicable performance standards in this by-law in issuing permits to repair, enlarge or construct sewage disposal systems.
- B. A. Certificate of Water Quality Compliance shall be required for all existing uses before July 1984. The Board of Water Commissioners shall issue the certificate for existing uses in compliance with the Performance Standards in this by-law and shall inform applicants not in compliance of what requirements must be met. A certificate shall not be required for wood lots, uncultivated land and single family dwellings.

4. PERFORMANCE STANDARDS

- A. To limit sewage flow and fertilizer applications to amounts which will be adequately diluted by natural recharge all uses shall meet the following performance standards:
 - 1. The concentration of nitrate nitrogen resulting from domestic wastewater treatment disposal and from fertilizer application shall not exceed the acceptable prescribed rate as established by the U.S. Environmental Agency and D.E.Q.E.

(Repealed, ATM (6/8/98)

WATER RESOURCE PROTECTION BY-LAW (Cont.) (Voted to Repeal – ATM 6/8/98)

2. Compliance with this standard is presumed with a sewage flow as determined by Title 5 of the State Environmental Code (310 C.M.R. 15.00) not exceeding 110 gallons per day per 10,000 sq. ft. of lot area for seven days and less than 25% of the lot area receiving fertilizer.
 3. Compliance with this standard shall otherwise be certified by a Registered Professional Engineer in sanitary or Civil Engineering based on the provision for advanced wastewater treatment or demonstration of average daily flows or wastewater nitrogen concentrations other than those assumed.
- B. To prevent groundwater contamination from toxic and hazardous substances, all use, handling, and disposal of such substances shall meet the performance standards outlined in this section. Toxic and hazardous substances include any substance, solution or mixture thereof which because of its quality, concentration, physical, chemical, or infectious characteristics may present a potential hazard to human health when introduced into a drinking water supply, except sanitary wastewater from hygiene and food preparation for residents, employees, and patrons. This includes, but is not limited to the list of hazardous substances found in Parts 116 and 261 Title 40 of the Code of Federal Regulations, the list of Toxic Substances found in Section 307 of the Federal Clean Water Act of 1977, chemical constituents specified in Tables C and E of the Drinking Water Regulations of Massachusetts in concentrations greater than drinking water limits, acids and alkalies beyond the pH range of 5.5 - 8.5, heavy metal wastes and solutions, petroleum products including fuels and waste oils, organic solvents forming a toxic or hazardous materials or liquid.
1. All toxic and hazardous substances shall be stored in product tight containers protected from corrosion, accidental damage or vandalism, and shall be used and handled in such a way to prevent spillage into the ground or surface waters. A product inventory shall be maintained and reconciled with purchase, use, sales and disposal records at sufficient intervals to detect product loss. Leak detection devices shall be "state of the art" and approved by the Board of Health in conjunction with the Board of Water Commissioners. New sub-surface fuel and chemical storage tanks and piping shall be installed in corrosion resistant materials approved by the Board of Health.
 2. No toxic hazardous substances shall be present in wastes disposed on the site. Wastes composed in part of entirely hazardous substances shall be retained in product tight containers for removal and disposal by licensed disposal contractors or as directed by the Board of Health.
 3. Contaminant levels in groundwater resulting from disposal of process wastes or from wastewater treatment and disposal systems greater than 15,000 gallons per day capacity shall not exceed those levels specified in tables C and E of the "Drinking Water Regulations of Massachusetts" (DEQE, June 15, 1977), after allowing for dilution by natural recharge on the premises. If higher levels of individual constituents in the groundwater shall not be exceeded.

(Repealed, ATM (6/8/98))

WATER RESOURCE PROTECTION BY-LAW (Cont.)

(Voted to Repeal – ATM 6/8/98)

4. Pesticides applied shall be registered by the U.S. Environmental Protection Agency and the Commonwealth of Massachusetts Department of Food and Agriculture. Individual household application shall be in accordance with those directions on those registered pesticides.
- C. To insure continued groundwater recharge, clearing, earth moving and paving shall meet the following Performance Standards.
1. Clearing and earth moving operations shall not cause siltation of recharge areas and streams.
 2. Excavations other than temporary construction operations shall not lower the ground surface to within less than six (6) feet of the groundwater level as established by testing procedures under Title V of the State Environmental Code (310 C.M.R. 15.00) and the regulations of the Board of Health.
 3. Runoff from impervious surfaces shall be directed to recharge the groundwater within the lot. Runoff from paved vehicular areas except single family residence drives shall first be treated with oil and sediment traps.

5. COMPLIANCE REVIEW

- A. The Board of Health and the Board of Water Commissioners shall specify the type of information required in order to review each application for a Disposal Permit or Certificate of Water Quality Compliance. The required information shall include but not be limited to the following:
1. A complete list of all chemicals, pesticides, fuels and other potentially hazardous substances to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures to protect from vandalism, corrosion and leakage, and to provide for control of spills.
 2. A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal methods.
 3. Evidence of approval by Massachusetts Department of Environmental Quality Engineering of any industrial waste treatment or disposal system or any wastewater treatment system over 15,000 gallons per day capacity accompanied by analysis by a Professional Engineer in Sanitary or Civil Engineering, certifying compliance with all applicable performance standards.
- B. 1. The Board of Health and/or Board of Water Commissioners may require the installation of monitoring wells and analysis of groundwater samples at the applicant's expense.
2. The Board of Water Commissioners and/or the Board of Health shall require periodic testing and inspection of all subsurface fuel and chemical storage tanks. The frequency and type shall be specified in regulations by the Board of Health.
- (Repealed, ATM (6/8/98))

WATER RESOURCE PROTECTION BY-LAW (Cont.)

C. The Board of Water Commissioners shall issue Certificates of Water Quality Compliance and the Board of Health shall issue Disposal Permits within 30 days of receipt of all required information providing such application for use or construction conforms to Section IV of this by-law.

6. ENFORCEMENT

- A. The agent for the Board of Water Commissioners shall be the enforcing agent for provisions of a Certificate of Water Quality Compliance.
- B. The enforcing agent may according to law enter upon any premises at any reasonable time to inspect for compliance with the provisions of this by-law. Information necessary to demonstrate compliance shall be submitted at the request of the enforcing officer. If requested, a sample of waste water disposed by on-site sewage disposal shall be provided the enforcing officer for testing. All records pertaining to waste disposal and removal shall be retained for no less than five years, and shall be made available for review by the enforcing officer within 48 hours of a request.
- C. Written notice of a violation shall be given by the enforcing agent specifying the nature of the violation and a time for compliance including cleanup of any spilled materials which is reasonable in relation to the public health hazard involved and the difficulty of compliance.
- D. Penalty for failure to comply with any provision of this by-law shall be \$200.00 per day of violation.

7. SEVERABILITY

If any provision hereof or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions hereof or applications thereof which can be given effect without the invalid provision or application.

VOTED ATM JUNE 5, 1982, ARTICLE 13. APPROVED BY ATTY. GENERAL 8/19/85

VOTED TO REPEAL (ATM 6/8/98, Article 31) APPROVED BY ATTY. GENERAL 9/28/98

ZONING BY-LAWS

Note: See publication "Norton Massachusetts Zoning By-Laws, April 16, 1974."

GRAVEL REMOVAL

Gravel Removal Ordinance, Amended - Notwithstanding any zoning or general by-law approved prior hereto, effective January 1, 1977 and in compliance with the Zoning By-Law pursuant to Chapter 808 of the Acts of 1975, neither the Town nor any board thereof shall issue any permit for the removal of loam, soil, ground, borrow or any other earth material except that the Board of Appeals shall upon proper application have the authority to extend any existing permit for a specific period to complete any said operation in process on the date of adoption hereof, and said Board of Appeals shall require any applicant hereunder to provide accurate topographic maps to define the extent of proposed earth removal or excavation, a bond or other security to ensure compliance with conditions imposed, the replacement and replanting of the topsoil after the excavation and a certificate by a registered land surveyor that the final grading conforms to the requirements of the Board of Appeals, and said Board of Appeals may further impose any other reasonable regulations for the purpose of protecting the health, safety and welfare of the Town in regulation of each individual application, it being the intention hereof to terminate all earth removal operations within the Town.

(APPROVED WITH AMENDMENT 1/12/79)

MOTOR BOATS AND PERSONAL WATERCRAFT

1. No person, while on any inland waters within the Town of Norton, or on shores thereof, shall annoy or cause annoyance to another person, or utter any profane, threatening or abusive language or loud outcries, or do any obscene or indecent act.
2. No person shall throw, drop, or otherwise place in the water or on the shore of any of the inland waters within the Town of Norton any paper, rubbish, glass or refuse.
3. All power boats operated on any inland waters within the Town of Norton shall be registered with the Police Department and shall bear a number on both sides of not less than four inches in height and one half inch in width, assigned by such department, in a form clearly visible from a distance of not less than 100 yards.
4. Power Boats shall not be operated on any inland waters within the Town of Norton at a speed exceeding 10 MPH after 7:00 p.m. or one half hour after sunset, whichever is earlier, or before 9:00 a.m.
5. Power boats shall not be operated at a speed in excess of 5 MPH within 100 yards of a bathing beach.
6. Power boats shall not be operated on any inland waters within the Town of Norton within 75 yards of any shore line at speeds in excess of 10 MPH.
7. All boats operated after one half hour after sunset and before one half hour before sunrise must be equipped with a light for emergency use.
8. A power boat is defined, for the purposes of these regulations, as any boat powered by an internal combustion engine permanently or temporarily affixed to said boat.
9. Power boats must at all times be operated at a reasonable and proper speed and manner, having regard for the safety of the public. Any person violating any of the above rules shall, for each offense, be punished by a fine.

(APPROVED 8/23/56)

10. The operation of personal watercraft in or upon Lake Winnecunnet shall be permitted only between the hours of 9:00 A.M. and 4:00 P.M. Monday through Saturday, excluding Massachusetts state holidays. At all other days and times, such craft shall be prohibited. The term "personal watercraft" is defined as a small vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by persons sitting, standing or kneeling on the vessel; the term includes but is not limited to, a jet ski, wet bike, or surf jet, so-called. Violation of this by-law shall be punishable by a fine of one hundred dollars (\$100) for each offense.

STM 10/20/97

Approved Environmental Police 11/13/97

Approved Attorney General 1/27/98

NON-CRIMINAL DISPOSITION

1. Whoever violates any provision of these by-laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in General Laws, Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department which is subject to specific penalty.
2. Without intending to limit the generality of the foregoing, it is the intention of this provision that the following by-laws and sections of by-laws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases and that in addition to police officers who shall in all cases be considered enforcing persons for the purpose of this provision, the following municipal personnel shall be considered enforcing persons: The Building Inspector and his designees; the Board of Health and its designees; the Dog Officer, and such other officials as the Board of Selectmen or the Town Manager may from time to time designate, each with respect to violation of by-laws and rules and regulations within their respective jurisdiction. Each day on which any violation exists shall be deemed to be a separate offense.

(AMENDED 10/1/90 & APPROVED 2/27/91)

| <u>SECTION</u> | <u>FINE</u> |
|-------------------------|-------------|
| Use of Land & Buildings | \$ 50.00 |
| General | \$ 50.00 |
| Dog Control | \$ 50.00 |
| Zoning By-Law | \$ 50.00 |

(AMENDED 11/23/87 & APPROVED 12/21/87)

PERSONNEL BY-LAW

1. The Town Manager shall draft classification plans, salary plans, employee benefit plans and policies, provisions and conditions of employment, and present them to the next Town Meeting for approval. Only with approval of Town Meeting may these plans, policies, etc. be implemented or altered. Once such plans, policies, provisions and conditions of employment are approved, the Town Manager may establish procedures and regulations consistent with said plans, policies, etc., as he deems necessary for the administration thereof. The Town Manager may appoint a Personnel Advisory Board to assist in carrying out the provisions of this section.

The Town Manager shall maintain personnel records of all employees, including therein such information as he deems desirable, said records to be kept by the Town Accountant on behalf of the Town Manager. Department heads shall furnish such information as shall be requested for this purpose.

From time to time the Town Manager shall review the work of all positions subject to the Classification Plan. Such reviews shall be scheduled so as to cover all such positions at intervals of not more than three years. If necessary, the Town Manager may tentatively add a new position to a different group subject to the subsequent ratification of his action by a formal amendment of the Classification Plan at the next town meeting.

The Town Manager shall from time to time review the Salary Plan. He shall keep informed as to pay rates and policies outside the service of the town, and shall recommend to the town any action he deems desirable to maintain a fair and equitable pay level.

Upon recommendation of a department head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Town Manager, who may authorize an entrance rate higher than the minimum rate for a position, and such other variance in the Salary Plan as he may deem necessary for the proper functioning of the services of the town.

2. The Town Manager shall appoint a Personnel Appeals Board consisting of the Town Clerk, Tax Collector/Treasurer and an employee of the town elected by the employees as their representative. The employee representative shall serve for a period of one year.

Any non-school employee of the town who feels that he or she has been discharged, removed, suspended, transferred, reduced in grade or in any way unjustifiably treated, may appeal to the Personnel Advisory Board in writing stating the grounds for his appeal to the Personnel Appeals Board. Such Board must then grant a hearing to the aggrieved appointee within ten days. After such a hearing the Personnel Appeals Board must transmit its findings and recommendations on the appeal to the Town Manager; or the appropriate body who may reconsider its prior action. The Town Manager; or the appropriate body must advise the aggrieved appointee of its decision within ten days.

3. CLASSIFICATION PLAN

The positions of all officers and employees in the service of the Town (whether full time, part time, special, Civil service or other) other than those positions filled by popular election and those under the direction and control of the School Committee shall be classified by titles in groups listed in a schedule entitled Job Classification By Groups.

(APPROVED 3/11/80)

PERSONNEL BY-LAW (Cont.)

4. NEW OR CHANGED POSITIONS

Whenever a new position is established or the duties of an existing position are so changed that in effect a new position is created, upon presentation of substantiating data satisfactory to the Town Manager. He shall allocate such new or changed position to its appropriate group.

4. TITLES OF POSITIONS

No person shall be appointed, employed or paid as a employee in any position subject to the provisions of the Classification Plan, under any title other than those of the Classification Plan, or under any title other than that of the job the duties of which are actually performed. The job title in the plan shall be the official title for all purposes having to do with the position and shall be used to designate the position in all payrolls, budget estimates and official reports, and in every other connection involving personnel and fiscal processes.

6. RECLASSIFICATION OF EMPLOYEES

No employee may be reclassified to a job in another group, either higher or lower, until the Town Manager shall have determined such a classification will be consistent with the Classification and Salary Plans. There shall be only one reclassification in any twelve month period for any employee except in unusual circumstances.

7. JOB DESCRIPTIONS

The Town Manager shall maintain written job descriptions of the jobs, or positions, in the Classification Plan, describing the essential characteristics, requirements and general duties of the job. The description shall not be interpreted as complete or limiting definitions of any job, and employees shall continue in the future as in the past to perform any duties assigned by department heads, supervisors, or other administrative authority.

8. SALARY PLAN CHANGES

Any proposals of change in the Salary Plan as defined in Section 8, Salary Plan of the Personnel By-Law brought before the voters at an Annual or Special Town Meeting shall be placed on the warrant for such meeting as to precede any and all articles dealing with or including monies for salaries, wages or other payments or benefits for services rendered by town employees.

A. A Salary Plan is to be established by vote of the Town in Town Meeting to provide minimum and maximum salaries, or single rate salaries for the groups and positions in the Classification Plan. The salary range or rate of a group shall be the salary range or rate for all positions classified in the group.

B. The office of the Town Accountant shall not prepare, process or provide forms or information which would in any way authorize or permit the payment of salary or wages to any new employee of the Town without the prior certification of the Town Manager that the proposed rate of pay complies with those pertinent requirements set forth elsewhere in this by-law and with such other requirements as may be established by vote of the Town Meeting.

PERSONNEL BY-LAW (Cont.)

C. The office of Town Accountant shall not process or permit payment of salary or wages for any employee of the Town whose rate of pay exceeds those established and approved by the Annual Town Meeting and set forth in the Salary Administration Plan. The Town Manager must be notified when such violations occur.

9. AMENDMENTS

The classification and salary plans or other plans, policies, provisions and conditions of employment drafted by the Town Manager and subsequently approved by Town Meeting, may be amended by vote of the Town at a regular or Special Town Meeting. No amendment of any such plans, policies, etc., shall be made until it has been presented by signed petition to the Town Manager and acted upon by the Town Manager. Upon receipt of such a petition, the Town Manager, after giving petitioners, heads of the departments, and employees affected, at least three days written notice, shall hold a hearing of the parties interested to consider the proposed amendment. If the Town Manager shall fail to act on an amendment as presented within fifteen days, the Town Manager shall be deemed to have disapproved the amendment. The petition may then be presented to the Town Meeting if so desired.

10. CIVIL SERVICE LAW

Nothing in this by-law, or in the Salary Plan, shall be construed to conflict with Chapter 31 of the General Laws.

(ADOPTED UNDER THE PROVISIONS OF G.L. CHAPTER 41, SECTION 108A, 6/17/75)
(APPROVED 2/27/91)

JOB CLASSIFICATION

The following is a full and complete listing of all Non-Union jobs and positions currently existing or established in the Town falling within the scope of Section Three, Classification Plan, or the Personnel By-Law.

Office Administrator
Highway Superintendent
Water & Sewer Superintendent
Assistant Town Accountant
Assistant Water & Sewer Superintendent
Public Health Nurse
Assistant to the Town Manager
Information Technology Director
Tax Collector - Treasurer

(ATM 5/9/94)
(ATM 6/5/95)
(ATM 6/3/96)
(STM 10/20/97)
(ATM 6/8/98)
(ATM 6/7/99)
(ATM 10/5/09)
(ATM 10/13/10)

SALARY PLAN

The following is a listing of a Salary Plan pursuant to Section Eight of the Personnel By-Law for those Non-Union jobs and positions comprising the Job Classification by Groups established by the Town, said Plan to become effective July 1, 1990 and to continue in effect through succeeding years until modified by action of a Town Meeting:

| | |
|--|--------------------------|
| Office Administrator | \$ 36,400 – 46,800 |
| Assistant to the Town Manager | \$ 46,800 – 57,200 |
| Highway Superintendent | \$ 62,400 – 83,200 |
| Assistant Town Accountant | \$ 41,600 – 52,000 |
| Water & Sewer Superintendent | \$ 72,800 – 93,600 |
| Assistant Water & Sewer Superintendent | \$ 29,994 – 36,421 |
| Information Technology Director | \$ 52,000 – 72,800 |
| Tax Collector – Treasurer | \$ 62,400 – 83,200 |
| Public Health Nurse | \$21.00 – \$29.00 Hourly |

(ATM JUNE 5, 1995)
(ATM JUNE 3, 1996)
(STM OCTOBER, 1997)
(STM JUNE, 1998 FOR FY 1998 ONLY)
(ATM JUNE 1998)
(ATM JUNE 1999)
(ATM MAY 2000)
(ATM SEPTEMBER, 2000 - CORRECTED)
(ATM MAY, 2001)
(ATM OCTOBER 2001)
(ATM OCTOBER 2002)
(ATM MAY 2005)
(ATM MAY 2006)
(STM FEBRUARY 2007)
(ATM MAY 2007)
(ATM OCTOBER 2009)
(ATM OCTOBER 2010)

POLICIES, PROVISIONS, AND CONDITIONS OF EMPLOYMENT

Accepted the following policies, provisions, and conditions of employment to become effective July 1, 1985 and to continue in effect through succeeding years until modified by action of the Annual Town Meeting.

These provisions shall apply to all Non-Union employees of the Town except those under the jurisdiction of the School Committee and those having Civil Service Status.

A. DEFINITIONS

As used in this statement of Policies, Provisions, and Conditions of Employment, the following terms shall have the meaning indicated:

1. Employee - Any individual except an elected or appointed official who is paid by the Town for the services rendered to the Town and for whom Federal and State income tax withholdings are made.
2. Full-Time Employee - Any employee who normally works a minimum of 35 hours per week in one department throughout the year.
3. Part-Time Employee - Any employee who normally works a minimum of 17 1/2 hours up to 32 hours per week in one department throughout the year.
4. Seasonal or Temporary Employee - Any employee whose duration of employment with the Town is of a seasonal or temporary nature.
5. Continuous Service - Length of employment with the Town of Norton uninterrupted except for authorized military leave, vacation leave, sick leave, court leave, or authorized leave of absence.
6. Fiscal Year - The period from July 1 through the following June 30. Pay periods in any fiscal year shall be determined by the number of Saturdays in the year.
7. Normal Work Day and Work Week - For clerical workers the normal work week is 35 hours beginning midnight Saturday. For all other employees, 8 hours is the normal work day and 40 hours the normal work week beginning midnight Saturday.
8. Regular Hourly Pay - That compensation paid an employee for each hour worked during a normal work week.
9. Overtime - Any hours or portions thereof worked by an employee, in one department, over and above the normal work day or the normal work week as defined above.
10. Differential Pay - All employees permanently assigned to the 4:00 p.m. to 12:00 midnight and the 12:00 midnight to 8:00 a.m. shifts shall be paid a differential of 9% (nine percent) of their base pay rate.

POLICIES, PROVISIONS, AND CONDITIONS OR EMPLOYMENT (Cont)

B. COMPENSATION

1. Wage and Salary Increases - Increases in salary or wages may be granted only upon recommendation of the Town Manager and only if such increases are within the wage guidelines established in the Salary Plan as voted by the action of the Annual or Special Town Meeting.

The Town Manager, prior to making annual wage and salary recommendations to the Finance Committee shall, in the case of each individual employee, examine the employee's record, discuss his work performance with his immediate supervisor, and shall inform the employee of the Town Manager's evaluation and recommendation. Any employee who informs the Town Manager, in writing within one week of receiving the Town Manager's recommendation of his desire to do so shall be entitled to a review before the Town Manager in person; no questioned recommendation shall be submitted to a Town Meeting prior to such a review.

2. Promotions - Upon promotion, an employee shall be paid at a rate no lower than the rate established for the new classification, or at a rate no lower than what he received prior to the promotions, whichever is higher.
3. Computation of Overtime - Overtime shall be paid to hourly employees only, at one and one-half times straight hourly earnings. When calculating overtime, holiday leave and vacation leave shall be considered as time worked.
4. Call Back Pay - When an employee, except a salaried employee, is requested to return to work after completing a normal day's work, he shall be compensated for no fewer than four hours, even though he may have worked a lesser number.
5. Application for Differential Pay - The employee assigned to the 4:00 p.m. to 12:00 midnight shift shall receive the differential at overtime rate if the employee is required to work beyond his or her normal tour of duty. The employee assigned to the 12:00 midnight to 8:00 a.m. shift shall not receive differential overtime.

Employees authorized and required to return to duty after the terminal hour of their regular shift shall be paid regular overtime.

Employees accepting extra tours of duty shall be paid regular overtime.

An employee receiving differential pay who is transferred to the 8:00 a.m. to the 4:00 p.m. shift on a temporary basis to attend school or other courses of instruction, to replace the supervisor or for any other reason, shall be paid the differential rate.

POLICIES, PROVISIONS, AND CONDITIONS OF EMPLOYMENT (Cont.)

C. IMPLEMENTATION OF SALARY SCHEDULE AND CLASSIFICATION PLAN

1. All employees under the jurisdiction of the Town Manager will be introduced to the Wage and Salary Schedule at a level at least equal to what they received prior to the adoption of the schedule. Further, no employee of the Town at the time of the adoption of this Schedule and Classification Plan shall be discharged, demoted or transferred because of the reclassification of his position or because of the adoption of new criteria for the holding of such position.

D. MEDICAL EXAMINATION

1. Every applicant for permanent appointive employment by the Town shall be certified by a practicing physician as to is or her physical fitness to perform the duties of the position to which the applicant seeks employment; no applicant who is not certified may be appointed to any permanent position whatsoever. The Town Manager may, at his discretion, require similar certification for appointment to temporary but physically demanding positions.

E. STANDARDIZATION

- 1 The Town Manager shall have the authority to standardize the administrative forms and records used in Town personnel administration, other than those whose format is regulated by statute or by state agencies supervision municipal administration.

(AMENDED ATM 10/1/90)

EMPLOYMENT BENEFITS

The Town of Norton provides its non-union employees with the following benefits:

1. PAID VACATIONS (As amended 5/00) (As Amended 10/10)

Each full-time employee shall be entitled to a vacation with pay commensurate with the length of his continuous employment with the Town, beginning with the date of his original appointment, as set forth in the following table:

| <u>LENGTH OF CONTINUOUS EMPLOYMENT</u> | <u>LENGTH OF PAID VACATION</u> |
|--|--------------------------------|
| After one (1) year | Two (2) weeks |
| After three (3) years | Three (3) weeks |
| After six (6) years | Four (4) weeks |
| After ten (10) years | Five (5) weeks** |

*The 5th week of vacation is hereby eliminated from the above table for employees hired on or after July 1, 2011.

Department heads will determine appropriate scheduling for vacations. Vacations must be taken in the Fiscal Year when they are due, and shall not be accumulated from year to year. An employee cannot receive vacation pay and work pay for the same period.

2. PAID HOLIDAYS (AS AMENDED 6/92)

Employees shall receive twelve (12) holidays during each calendar year:

| | |
|------------------------|------------------------|
| New Year's Day | Labor Day |
| Martin Luther King Day | Columbus Day |
| Presidents' Day | Veterans' Day |
| Patriots' Day | Thanksgiving Day |
| Memorial Day | Day After Thanksgiving |
| Independence Day | Christmas Day |

3. INSURANCE PROGRAM (AS AMENDED 5/94)

HEALTH - The Town shall offer the same plans to employees covered under this by-law under the same terms and conditions as such plans are offered to other Town employees.

LIFE - The Town pays 75 percent of this optional \$4,000 policy.

WORKER'S COMPENSATION - The Town pays 100 percent.

4. LEAVE OF ABSENCE WITH PAY, SICK LEAVE (As Amended 6/92)

In the event of a bona fide personal and non-service connected sickness or injury, for which no compensation is received under Workmen's Compensation, employees are eligible for sick leave for personal illness. The Department grants the amount as follows:

1 1/2 days per month - 18 days per year

EMPLOYMENT BENEFITS (Cont.)

Accumulation is limited to 150 days. After three (3) days absence, a doctor's certificate is required. The Supervisor may require a doctor's certificate at any time. Eligibility for sick days will begin on the 61st day of employment.

Employees shall be entitled to buy back 50% of unused sick leave upon death or retirement from the Bristol County Retirement System. Upon the death of an employee, the "buy back" shall be paid to his/her estate.

FUNERAL LEAVE (Amended ATM 5/00)

In the event of a death in the immediate family, up to three (3) days may be granted. Immediate family shall be defined as spouse, father, mother, brother, sister, child, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchildren, guardian, stepchildren, and significant other.

5. JURY DUTY

Employees required to perform jury duty will receive the difference between their regular pay and the pay received from jury duty, provide they report to work on each day when excused from jury duty.

6. PERSONAL DAYS (As Amended 6/92)

Three (3) days per year shall be granted employees with the approval of the Department Head for personal business. Personal days will be awarded on a basis consistent with the efficient operation of any given department. The requirement for three (3) days notice shall be waived if the personal day is requested as a result of an emergency in the employee's family. Personal days shall not be accumulated from year to year.

7. LEAVE OF ABSENCE WITHOUT PAY

Leave of absence without pay may be granted at the discretion of the department head up to a maximum of 30 days.

8. RETIREMENT PLAN

Town employees automatically participate in the Bristol County Retirement Plan. Eight percent of an employee's weekly base pay, not including overtime, is deducted and credited to the retirement fund. The amount deducted is put on the employee's account and earns interest.

9. ALLOWANCE FOR UNIFORMS (As amended 5/87)

All full-time employees required to wear uniforms in the Water & Sewer and Cemetery departments shall receive an allowance for uniforms. The amount for the uniforms shall be determined by the Department Heads.

EMPLOYMENT BENEFITS (Cont.)

10. PAY PERIOD

The pay period begins on Sunday and ends on Saturday. Employees are paid on the Thursday following the end of a full pay period.

11. DEFINITIONS AND TERMS OF ELIGIBILITY

PART-TIME EMPLOYEE - A part-time employee must work a minimum of 17 1/2 hours per week but not exceed 32 hours per week in one department.

All part-time employees are eligible for fringe benefits on a prorated basis. Volunteers, special police, call firefighters and other employees who are not on a regular scheduled work week are not eligible for fringe benefits.

12. LONGEVITY PAY (As amended 5/8/00)

The Town shall pay, in addition to all other compensation the following longevity pay:

| | |
|------------------------------|----------|
| After five (5) years | \$150.00 |
| After ten (10) years | \$200.00 |
| After fifteen (15) years | \$250.00 |
| After twenty (20) years | \$300.00 |
| After twenty-five (25) years | \$350.00 |

Said payments shall be made annually on the last pay period for the calendar year.

13. PROBATIONARY PERIOD

A probationary period of 60 days must be served. An extension may be required by the department head but only after the Personnel Board and the employee have been notified in writing as outlined in Administrative Order #5. No person shall be eligible for fringe benefits until after the 61st day of employment.

(VOTED ATM MAY 14, 1985, Article 21)

REPEAL AND AMENDMENT

1. Any proposed additions or amendments to these By-Laws must first be presented to the Selectmen in writing and be incorporated in the warrant for any annual or special town meeting for action by the legal voters of the Town. Such amendments or additions may be adopted by a majority vote.

(APPROVED 3/24/30)

2. Any person violating any of the provisions of the foregoing by-laws shall be punished by a fine not exceeding fifty dollars for each offense.

(APPROVED 9/4/74)

PROCUREMENT

Unless otherwise provided by a vote of Town Meeting, the Board of Selectmen and the procurement officer or officers designated pursuant to G.L. C30B for the School Department and the Library respectively are authorized to enter into any contract for the exercise of the Town's corporate powers, on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, no person shall contract for any purposes, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law.

(STM 5/7/90, ARTICLE 2)
(APPROVED 2/27/91)

FINANCIAL AND FISCAL PROCEDURES

1. The school preliminary budget shall be submitted to the Town Manager no later than January 15th. The School final budget shall be submitted to the Town Manager by the first Tuesday in March. The Town Manager's proposed budget to be submitted to the Finance Committee as soon as possible following the first Tuesday in March, but no later than March 15, and published in accordance with Article 6, Section 6-3 of the Town Charter. In addition, the Town Manager shall submit a preliminary budget to the Finance Committee no later than February 15.

(VOTED 10/1/90)

(APPROVED 2/27/91)

SCREENING COMMITTEE

1. A Screening Committee shall be established for the purpose of soliciting, receiving and evaluating application for the position of Town Manager.
2. The Screening Committee shall consist of nine persons who shall be chosen as follows:
 - a member of the Board of Selectmen
 - a member of the School Committee
 - a member of the Board of Assessors
 - a member of the Finance Committee
 - a member of the Water/Sewer Commission
 - a member of the Planning Board
 - a citizen at large appointed by the Selectmen
 - two members by the Moderator. These three members cannot be elected or appointed town officials.

Appointments made by the town moderator shall be made last in line in order that in making appointments the moderator may insofar as it may be feasible so to do, appoint persons who will broaden the membership base of the committee to be most representative of the demographic and occupational base of the Town.

3. Within 14 days of the notice of impending vacancy for the position of Town Manager the Selectmen must publicly announce such vacancy and notify the Town Clerk who shall immediately notify the Moderator and the chairman of each committee listed in section #2 and direct said committee to appoint one of its members.

Within 14 days of the impending notice of vacancy of the Town Manager's position, the Board of Selectmen shall establish a salary range for the position and present it to the Screening Committee.

4. Within 30 days of receipt of notice of impending vacancy, the Town Clerk shall call and convene a meeting of the several persons chosen as aforesaid who shall meet to organize and to plan a process to advertise the vacancy and to solicit by other means qualified candidates for the office. The committee shall proceed notwithstanding the failure of any town agency to designate its representatives.
5. The screening committee shall review all applications that are received by it, screen all such applicants it intends to advance by checking and verifying work records and other credentials, and provide for interviews to be conducted with such number of candidates as it deems to be necessary, desirable or expedient.
6. No more than one hundred and twenty days, or as expeditiously as possible following the date on which the committee meets to organize, the committee shall submit to the Board of Selectmen the names of five persons who it believes to be best suited to perform the duties of the office of Town Manager. The Screening Committee shall simultaneously submit a list of two alternates who shall be considered only in the event that one or more of the original five finalists withdraws.

SCREENING COMMITTEE (Cont.)

7. Within forty five days or as expeditiously as possible 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 make an appointment within the said forty five days, the Screening Committee shall forthwith, appoint the Town Manager.
8. Upon the appointment of a Town Manager the committee established hereunder shall be considered discharged.

(AMENDED 10/1/90)

(APPROVED 2/27/91)

MANDATORY CURBSIDE RECYCLING PROGRAM

Definitions - As used in this by-law, the following terms will be defined as follows:

(a) **Municipal Solid Waste:** Solid waste generated by the residents of the Town of Norton in the course of their daily living. Municipal solid waste does not include solid waste generated by residents in the course of their employment or that generated by any construction, manufacturing or commercial enterprises.

(b) **Recyclable Materials:** Materials separated from Municipal Solid Waste as specified by the Massachusetts Department of Environmental Protection or by Town officials and listed in Section 3 of this by-law. The materials to be included may change from time to time depending on new technologies, economic conditions, waste stream characteristics or environmental effects.

(c) **Resident:** Anyone residing in the Town of Norton for any period of time who generates solid waste for which the Town accepts responsibility for disposal.

Section 2

Mandatory Curbside Recycling - When a program of curbside recycling in conjunction with municipal solid waste collection is implemented, residents of every household shall separate certain recyclable materials from municipal solid waste and place both at curbside for collection.

Recyclable Materials - For the purpose of this by-law, recyclable to be collected are:

- A. Glass food and beverage containers.
- B. Aluminum cans, foil and pie plates.
- C. Steel cans and tin coated steel cans.
- D. Newspaper.
- E. Plastic containers labeled #1 or #2.
- F. Other materials (as determined by state laws or Town officials).

(ATM 5/9/94) APPROVED 8/23/94

TOWN CLERK/TAX COLLECTOR FEES

All fees paid to the Town Clerk and Town Tax Collector for any purpose whatsoever shall be promptly paid into the Town Treasury as Town revenue, and shall be duly accounted for.

(VOTED 5/13/91 & APPROVED 9/3/91)

LICENSES AND PERMITS OF DELINQUENT TAXPAYERS

- A. The tax collector or other municipal official responsible for records of all Town taxes, assessments, betterments and other municipal charges, hereinafter referred to as the Tax Collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.
- B. The licensing authority may deny, revoke or suspend any license or permit including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector; provided however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the 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 section shall not be reissued or renewed until the license authority received a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the Town as the date of issuance of said certificate.
- C. 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 conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- D. The Board of Selectmen may waive such denial, suspension or revocation if it finds that 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 section one of chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter

LICENSES AND PERMITS OF DELIQUENT TAXPAYERS (Cont.)

one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping licenses, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

(AMENDED 5/13/91 & APPROVED 9/3/91)

WATER SUPPLY BY-LAW

Section 1

Authority

This By-Law is adopted by the Town of Norton's Board of Water and Sewer Commissioners under its home rule powers, its police powers to protect public health and welfare and its specific authorization under MGL Ch. 40, Sec. 21 and 21D.

Section 2

Purpose

The purpose of this By-Law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a state of water supply emergency by providing for enforcement of any duly imposed restrictions, requirements, provision of conditions imposed by the Town of Norton's Board of Water and Sewer Commissioners, or by the Department of Environmental Protections, to abate the emergency.

Section 3

Definitions

For the purposes of this By-Law:

Enforcement authority shall mean the Town of Norton's Water and Sewer Commissioners.

State of Water Supply Conservation shall mean, the Town through its Board of Water/Sewer Commissioners may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. A declaration of a State of Water Supply Conservation may include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply.

- a) Limited Scheduled Outdoor Watering (by day and hour)
- b) Prohibiting Automatic Sprinkler Use
- c) Prohibiting Filling of Swimming Pools
- d) Prohibiting any Outdoor Water Use

State of Water Supply Emergency shall mean a state of water supply emergency declared by the Department of Environmental Protection pursuant to MGL Ch. 111, Sec. 160, or by the Governor.

Section 4

The following shall apply to all users of water supplies supplied by the Town of Norton.

Following notification by the Board of Water/Sewer Commissioners of the existence of a state of water conservation or water supply emergency, no person shall violate any provision, condition, requirement or restriction which has as its purpose the abatement of a water supply emergency.

WATER SUPPLY BY-LAW (cont)

Notification of any provision, restriction, requirement or condition with which users of water supplied by the Town are required to comply, to abate a situation of water conservation or emergency shall be published in a newspaper of general circulation within the Town, or by such other notice as is reasonable calculated to reach and inform all users of the Town water supply.

Section 5: PENALTY

Any person or entity who violates this By-law shall be liable to the Town. A written warning for the first violation, a \$75.00 fine for the second violation, and a \$150.00 fine, service termination and a \$25.00 reconnect fee for the third and subsequent violations, which shall inure to the Town for such uses as the Board of Water/Sewer Commissioners may direct. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with MGL CH.40,Sec.21D. Each separate instance of noncompliance following the issuance of any warning or citation pursuant to this section shall constitute a separate violation.

Section 6: RIGHT OF ENTRY

Agents of the enforcement authority may enter the property for the purpose of inspecting or investigating any violation of the By-Law given a reasonable notice and at a reasonable hour.

Section 7: Severability

The invalidity of any portion or provision of this By-Law shall not invalidate any other portion, provision or section thereof.

Section 8: WATER METER TAMPERING

Anyone found tampering with or by-passing a water meter will be fined \$300.00

VOTED OCT 4, 1993
(APPROVED 1/7/94)
AMENDED – ATM 9/25/00
(APPROVED 1/5/01)

BETTERMENTS

Betterment assessments made by the Board of Water and Sewer Commissioners for sewer and/or water improvements shall bear interest at a rate of two percent above the rate of interest chargeable to the Town for the betterment project to which the assessments relate pursuant to G.L. C 80, Sec.13.

VOTED 9/30/1996 ATM

APPROVED 3/24/97

FALSE PRIVATE ALARMS

Section 1. Definitions.

A) For the purpose of this By-law the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1) The term "Private Alarm System" means an assembly of equipment and devices or a single device such as solid state unit which plugs directly into a 110 volt AC line, arranged to signal the presence of a hazard requiring urgent attention or an incident which Police customarily or reasonable are expected to respond. Fire Alarm Systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this by-law. The provisions of Section 3 of this by-law shall not be applicable to municipal, county and state agencies.

2) False Alarm means:

i.) The activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of an alarm system or of his employees or agents.

ii.) Any signal or oral communication transmitted to the Police Department requesting or requiring, or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusion, robbery, or burglary, or attempt thereat. For purposes of this definition activation of alarm systems by acts of God, including but not limited to power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.

Section 2. Control and Curtailment of Signals Emitted by Alarm Systems

a) Every alarm system user shall submit to the Chief of Police the names and telephone numbers of at least two persons who are authorized to respond to an emergency transmitted by the alarm system, and who can open the premises wherein the alarm system is installed.

b) All audible alarm systems installed after the effective date of this By-law which use an audible horn or bell shall be equipped with a device that will shut off such horn or bell within ten (10) minutes of the activation of the alarm system.

c) Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated under paragraph (a) of this section and which disturbs the peace comfort, or repose of a community, a neighborhood, or a number of the inhabitants of the area where the alarm system is located shall constitute a public nuisance.

FALSE PRIVATE ALARMS (cont)

Upon receiving complaint of such a continuous and uninterrupted signal, the Chief of Police shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph (A), in an effort to abate the nuisance. If such efforts do not result in the silencing of the alarm within thirty (30) minutes of its activation, the Police Chief may, at the expense of the owner, order its deactivation using whatever means may be appropriate to the occasion. The Police Chief shall cause to be recorded the names and addresses of all complainants, and the time of each complaint.

Section 3. Penalties.

Upon receipt of three or more false alarms within a calendar year

1) The Police Chief may order the user

- a) to discontinue use of the alarm
- b) to disconnect any direct connections to the Police Department
- c) to ensure that further connections to the communications console in the Police Department will be contingent upon the user equipping any alarm system with a device that will shut off any audible horn or bell within ten (10) minutes after activation of the alarm system.

2) The user shall be assessed Fifty Dollars (\$50.00) as a False Alarm service fee by the Town or its contracted billing agency for each False Alarm in excess of three (3) occurring within a calendar year. False alarms service fees shall be paid to the Town Treasurer for deposit to the General Fund. (Voted by Majority 6/3/03) (Approved A.G. 9/4/03)

VOTED BY MAJORITY - ATM - 9/30/96

Approved A.G. 3/24/97

MANDATORY CONNECTION TO COMMON SEWER

The owner or occupant of any building upon land abutting on a private or public way, in which there is a common sewer, shall within two years, connect the same therewith by a sufficient drain.

Voted By Majority ATM 6/16/99, Article 22 – APPROVED BY ATTY. GENERAL 10/29/99

SENIOR CITIZEN PROPERTY TAX WORK-OFF PROGRAM

PURPOSE

The Senior Tax Program is a program allowing the Town of Norton the opportunity to utilize the knowledge and skills of its senior residents in exchange for credit toward the residents' property tax bill. The purposes of this program are to enhance municipal services and alleviate senior residents' tax burden. In exchange for such volunteer services, the Town shall reduce the real property tax obligations of such person over the age of sixty (60) on his/her tax bills, and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled, and no such person shall be credited with more than the minimum wage rate for the Commonwealth per hour for services provided pursuant to said reduction, nor shall the reduction of the real property bill exceed Five Hundred and No Hundredths (\$500.00) Dollars within the Town's fiscal year.

ELIGIBILITY

1. Norton residents who have reached age sixty (60) and over; and,
2. Pay real estate taxes to the Town of Norton; and,
3. Commitment to work the hours necessary between January 1st – November 1st to earn the full Five Hundred and No Hundredths (\$500.00) Dollars tax credit, and,
4. In the case of parcels with multiple owners, all of the assessed owners of a parcel may receive abatements under the program if they otherwise qualify; and,
5. The tax reduction is limited to the senior citizen volunteer's domicile.

JOB DEVELOPMENT

The Senior Tax Program is a jobs program. Qualified seniors will be hired to work for Town Departments, including the schools. The Human Services Director will work with the departments and applicants to develop specific jobs, conduct interviews, and place qualified people. Each department will be contacted and asked to review their service procedures and requirements to determine whether they may benefit from the assistance of a senior resident.

JOB PLACEMENT/SELECTION

Applicants will be referred to departments based on their skills and the needs of the departments. Jobs will be offered based on qualifications and availability.

EARNINGS

The Commonwealth's minimum wage per hour for all jobs. A maximum of Five Hundred and No Hundredths (\$500.00) Dollars to be applied as a credit to each resident's property tax.

SENIOR CITIZEN PROPERTY TAX WORK-OFF PROGRAM (Cont'd)

APPLICATION PROCEDURE

Includes an intake interview to determine eligibility, an application form, a job interview with the Human Services Director, and a referral by the Human Services Director to the department, and a job interview with the department head.

PROGRAM BUDGET AND ACCOUNTING FOR ABATEMENTS

The reduction in real property tax obligations shall be applied to the actual tax bill for the fiscal year. All reductions are processed as abatements and charged against the overlay account.

Prior to May 1st of each year, the Board of Selectmen, after consultation with the Finance Committee, shall provide written notice to the Board of Assessors identifying the amount of funds to be included in the ensuing fiscal year's overlay account for said purpose.

In no event will the funding level be increased after the fiscal year tax rate is certified by the Department of Revenue.

Voted 5/13/02, Art. 2
Approved by A.G. 2/4/03

(Amended 5/9/11 Art. 20)

LOCAL BALLOT QUESTIONS

November 3, 1970 – State Election

Question #6:

- A. Shall licenses be granted in this town for the sale therein of all alcoholic beverages (whiskey, rum, gin, malt beverages, wines and all other alcoholic beverages)? YES 1883 – NO 414
- B. Shall licenses be granted in this town for the sale therein of wines and malt beverages (wines and beer, ale and all other malt beverages)? YES 1770 – NO 359
- C. Shall licenses be granted in this town for the sale therein of all alcoholic beverages in packages, so called, not to be drunk on the premises? YES 1800 – NO 347
- D. Shall licenses be granted in this town for the sale of all alcoholic beverages by hotels having a dining room capacity of not less than ninety-nine persons and lodging capacity of not less than fifty rooms? YES 1752 – NO 370

March 13, 1972 – Town Election

Shall licenses be granted in the Town of Norton for the operation, holding or conduction a game commonly called beano? YES 1441 – NO 358

WATER WITHDRAWAL

1. Purpose

The purpose of this by-law is to recognize that contamination of any pond, stream, surface, or subsurface water in the Town of Norton would pose a significant hazard to the health of the inhabitants of the Town and, therefore, to protect such water sources from contamination.

2. Water Withdrawal Prohibited; Exceptions

- A. The extraction or withdrawal of water for commercial purposes of water from any pond, stream, river, watercourse, surface, or subsurface water into a tank vehicle, or into any tank contained in or on a vehicle, shall be prohibited.
- B. This by-law shall not apply to municipal fire apparatus.
- C. The Board of Water and Sewer Commissioners may, but need not, designate one or more public water hydrant or other public water outlet in the Town of Norton to furnish water for commercial purposes to a tank vehicle or a tank contained in or on a vehicle. Said hydrant(s) or outlet(s) shall not allow any backflow into the public water system and shall be under the supervision and control of the Board of Water and Sewer Commissioners.

3. Additional Regulations

- A. This by-law shall be in addition to any other rule, regulation or state or local law relating to the use or protection of water or wetlands.
- B. The Board of Water and Sewer Commissioners shall have the power hereunder to promulgate rules and regulations relative to the use of public water hydrants or outlets in the Town, which may include licensing or users of such hydrants or outlets, as well as the imposition or reasonable fees for such licenses and/or of use of such public hydrants or outlets.

4. Violation and Penalties; Enforcement

- A. Whoever violates any provision of this by-law, or of any rules or regulations adopted hereunder, shall be subject to a fine of \$300.00 for each offence.
- B. This by-law shall be enforced by members of the Norton Police Department, Board of Water and Sewer Commissioners, or the Department of Public Works, Water Division.
- C. The provisions of the by-law, and any rule or regulation adopted hereunder, may be enforced by any available means in law or in equity, including but not limited to enforcement by noncriminal disposition pursuant to G.L. c.40, 21D, and the Town By-Laws, Non-Criminal Disposition. Each day on which a violation exists shall constitute a separate violation.

Voted 10/20/04 – Approved by A.G. 12/9/04

ROADSIDE MEMORIALS

This Section shall apply to any memorial of a fatal accident or occurrence that is placed along a roadside and is visible to the naked eye. The presence of such memorials has been determined to be an unsafe distraction to motorists.

In cases where a death is caused by a fatal accident or occurrence in or along such public street, sidewalk, or walkway, a temporary memorial sign may be erected in accordance with this ordinance by a member of the deceased's immediate family. "Immediate family" is defined for purposes of this ordinance as the deceased's spouse, mother, father, sister, brother, or child.

No such "roadside memorial" shall be left on or within the boundaries of any public street, sidewalk, or walkway for more than thirty (30) days.

Voted 5/9/05 – Approved by A.G. 8/30/05

(Amended – October, 2006, Article 13)

Illicit Discharges To The Municipal Storm Drain System

1. Purpose

The purpose of this by-law is to eliminate non-storm water discharges to the Town of Norton's Municipal Storm Drain System. Non-storm water discharges contain contaminants and supply additional flows to the Town of Norton's Storm Drain System. Non-storm water discharges are major causes of:

- a. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, and groundwater;
- b. contamination of drinking water supplies;
- c. alteration or destruction of aquatic and wildlife habitat; and
- d. Flooding.

The United States Environmental Protection Agency has identified land disturbance and polluted storm water as major sources of water pollution. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town of Norton's water bodies and groundwater, and to safeguard the public health, safety, welfare and the natural resources of the Town.

The objectives of the by-law are:

- a. to prevent pollutants from entering the storm drain;
- b. to prohibit illicit connections and unauthorized discharges to the storm drain;
- c. to remove all such illicit connections;
- d. to comply with state and federal statutes and regulations relating to storm water discharges; and
- e. to establish the legal authority to ensure compliance with the provisions of this Chapter by-law through inspection, monitoring, and enforcement.

2. Definitions

The following definitions shall apply to this by-law:

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. section 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 drain system or into the waters of the United States or Commonwealth from any source.

ILLICIT CONNECTION: Any surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain 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 by-law.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of storm water, except as exempted in Section 78. The term does not include a discharge in compliance with an NPDES Storm water Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 78, subsection 4(a), of this by-law.

Illicit Discharges To The Municipal Storm Drain System (cont)

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 STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER 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 of Norton.

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 drain system not composed entirely of storm water.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth 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. Pollutants shall include without limitation:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock, sand, salt, soils;
- (10) construction wastes and residues; and
- (11) 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 materials, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Illicit Discharges To The Municipal Storm Drain System (cont)

STORM WATER: Runoff from precipitation or snow melt.

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.

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: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

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 materials, intermediate product, finished product, byproduct or waste product.

3. APPLICABILITY

This by-law shall apply to flows entering the municipal storm drainage system.

4. AUTHORITY

This by-law is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34, and the Phase II ruling from the Environmental Protection Agency found in the December 8, 1999, Federal Register.

5. RESPONSIBILITY FOR ADMINISTRATION

The Highway Department of Public works shall administer, implement and enforce this by-law.

Illicit Discharges To The Municipal Storm Drain System (cont)

6. REGULATIONS

The Highway Department of Public Works may promulgate rules and regulations to effectuate the purposes of this by-law. Failure by the Highway Department of Public Works to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

7. PROHIBITED ACTIVITIES

Prohibited activities are as follows:

- a. Illicit Discharges: No person shall dump, discharge, cause or allow to be discharged any pollutant or non-storm water discharge into the municipal storm drain system, into a watercourse, or into the waters of the Commonwealth.
- b. Illicit Connections: No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- c. Obstruction of Municipal Storm Drain System: No person shall obstruct or interfere with the normal flow of storm water into or out of the municipal storm drain system without prior written approval from the Highway Department.

8. EXEMPTIONS

Exemptions from the by-law are as follows:

- a. Discharge or flow resulting from fire fighting activities.
- b. Discharge or flow that results from exigent conditions and occurs during a state of emergency declared by any agency of the Federal or State Government, or by the Norton Town Manager, Board of Selectmen or the Board of Health.
- c. 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 drain 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;

Illicit Discharges To The Municipal Storm Drain System (cont)

- (11) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided test data is submitted to the Town substantiating that the pool is drained in such a way as not to cause a nuisance or public safety issue and complies with all applicable Town by-laws;
- (12) Discharge from street sweeping;
- (13) Dye testing;
- (14) Non-storm water discharge permitted under an 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 Conservation Commission and the Highway Department as necessary to protect public health, safety, welfare or the environment.

9. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Highway Department may suspend municipal storm drain 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 Highway Department may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

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 waters of the Commonwealth, 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 municipal Fire and Police Departments, the Conservation Commission, the Board of Health, and the Highway Department. In the event of a release of non-hazardous materials, the reporting person shall notify the Conservation Commission, the Board of Health, and the Highway Department no later than the next business day. The reporting person shall provide to the Conservation Commission, the Board of Health and the Highway Department 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.

Illicit Discharges To The Municipal Storm Drain System (cont)

11. ENFORCEMENT

- A. Authorized Agents: The Highway Department, or an authorized agent of the Highway Department, shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- B. Civil Relief: If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Highway Department 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.
- C. Orders: The Highway Department, or authorized agent of the Highway Department, may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the municipal sewer system; (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.

If the enforcing person 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 of Norton may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the cost 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 Highway Department 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 Highway Department 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 cost. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, S. 57 after the thirty-first day at which the costs first become due.

- D. Criminal Penalty: Any person who violates any provision of this by-law, regulation, order or permit issued there under, shall be punished by a fine of not more than \$250.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- E. Non-Criminal Disposition: As an alternative to criminal prosecution or civil action, the Town of Norton may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, section 21D and the enforcing person shall be the Highway Superintendent or his agent, or such other persons as defined in the General By-laws. The penalty for each violation shall be \$250.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Illicit Discharges To The Municipal Storm Drain System (cont)

- F. Entry to Perform Duties Under this By-Law: To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Highway Department, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Highway Department deems reasonably necessary.
- G. Appeals: The decisions or orders of the Highway Department shall be final. Further relief shall be to a court of competent jurisdiction.
- H. Remedies Not Exclusive: The remedies listed in this by-law are not exclusive of any other remedies available under an applicable federal, state, or local law.

12. SEVERABILITY

The provisions of this by-law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this by-law 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 by-law.

13. TRANSITIONAL PROVISIONS

Residential property owners shall have 180 days from the effective date of the by-law to comply with its provisions, or petition the Highway Department for an extension with the reasons for failure to comply and a schedule for compliance.

(VOTED BY ATM 10/15/07 – APPROVED BY ATTY.
GENERAL 10/25/07)
(AMENDED ATM 5/12/08) – APPROVED BY ATTY.
GENERAL 8/28/08

ACTS AND RESOLVES

Acts and Resolves of the Province of Massachusetts Bay.

- 1711-12 Chapter 4 Established the Town of Norton as being separate from Taunton.
- 1725-26 Chapter 13 Established Town of Easton by dividing the Taunton North Purchase
i.e., Norton.
- 1769-70 Chapter 21 Established the Town of Mansfield by further dividing Norton.

The following is a listing of special acts and resolves of Massachusetts which, for the most part, apply only to the Town of Norton.

| <u>ACTS OF(YR.)</u> | <u>CHAPTER</u> | <u>SECTION</u> | <u>SUBJECT</u> |
|---------------------|----------------|----------------|---------------------|
| 1788 | 161 | | Payment to the poor |
| 1789 | 90 | | " |
| 1790 | 176 | | " |
| 1791 | 152 | | " |
| 1792 | 197 | | ' |
| 1792 | 8 | | " |
| 1793 | 135 | | " |
| 1794 | 132 | | ' |
| 1795 | 129 | | ' |
| 1796 | 74 | | " |
| 1797 | 135 | | " |
| 1798 | 177 | | " |
| 1799 | 155 | | " |
| 1800 | 176 | | " |
| 1802 | 158 | | " |
| 1802 | 58 | | " |
| 1804 | 58 | | " |
| 1852 | 7 | | Town of Norton |

ACTS AND RESOLVES (Cont.)

| <u>ACTS OF (YR.)</u> | <u>CHAPTER</u> | <u>SECTION</u> | <u>SUBJECT</u> |
|----------------------|----------------|----------------|---|
| 1860 | 21 | | " |
| 1883 | 246 | 1,2 | Hicks Trust Fund |
| 1884 | 139 | | " |
| 1890 | 349 | 1,2 | " |
| 1895 | 82 | 1-10 | Municipal Water Supply |
| 1901 | 406 | 1-20 | Norton Fire District |
| 1906 | 122 | 1-12 | Municipal Water Supply |
| 1907 | 560 | | Ballots |
| 1910 | 466 | 1-18 | Municipal Water Supply |
| 1911 | 426 | 1-6 | Norton Fire District |
| 1911 | 494 | | Eight Hour Day |
| 1912 | 503 | | Pensioning of Laborers |
| 1913 | 807 | | Workman's Compensation |
| 1913 | 671 | | Pensioning of Laborers |
| 1914 | 688 | | Saturday Half Holiday |
| 1914 | 217 | | Laborers Vacations |
| 1914 | 790 | | Party Enrollment |
| 1914 | 352 | | Pensioning of Laborers |
| 1915 | 230 | 1-3 | Construction of Rte. 140 |
| 1916 | 204 | 1-2 | " |
| 1919 | 311 | | Continuation Schools |
| 1922 | 47 | 1-4 | Norton, Taunton, Attle. St. Railway Co. |
| 1925 | 282 | 11 | Water Supply from Wading River |

ACTS AND RESOLVES (Cont.)

| <u>ACTS OF (YR.)</u> | <u>CHAPTER</u> | <u>SECTION</u> | <u>SUBJECT</u> |
|----------------------|----------------|----------------|---|
| 1939 | 134 | 1,2 | Location of power lines validated |
| 1945 | 549 | 1,2 | Payments for property taken by eminent domain. |
| 1946 | 166 | | Contributory Retirement |
| 1947 | 127 | 1,2 | Appointment of Finance Committee |
| 1948 | 178 | 1,2 | School Construction Funding |
| 1949 | 145 | 1,2 | Borrowing, School Purposes |
| 1950 | 639 | | Civil Defense |
| 1951 | 64 | 1,4 | Norton Fire District |
| 1954 | 487 | | Water Liens (Accepted 3/55, Art. 36) |
| 1955 | 482 | 1,2 | Management of Lake Winnecunnet by State Div. of Fisheries & Game |
| 1955 | 355 | 1,2 | Retirement benefits for Lester Holmes |
| 1956 | 346 | 1,2 | Norton-Plainville School Union |
| 1956 | 42 (Resolve) | | Drainage study of Chartley area |
| 1959 | 147 | 1,3 | Exemption of intermittent patrolmen from Civil Service |
| 1960 | 605 | 1,2 | Life tenure for Donald Robinson Water Dept. Superintendent |
| 1963 | 489 | 1,17 | Regional School District |
| 1972 | 802 | | Bldg. code Board of Appeals (Board established 5/14/74, Article 37) |
| 1973 | ** | | Land acquisition for Rte. 495 |
| 1974 | * | | Land acquisition for Rte. 495 |
| 1975 | 41 | 1,3 | Civil Service, Police Dept. (Act not accepted by voters – ATE 5/12/75) |

ACTS AND RESOLVES (Cont.)

| <u>ACTS OF (YR.)</u> | <u>CHAPTER</u> | <u>SECTION</u> | <u>SUBJECT</u> |
|----------------------|-----------------|----------------|--|
| 1975 | Amends C40 | S49 | Town Reports, To Fiscal Year (Article 45) By Law Voted 5/20/75 |
| 1977 | 755 | 1,2 | Tenure of Richard Charette, Vet's Agent |
| 1983 | 413 | | Sale of alcoholic Beverages by Produce Barn (approved 10/6/83) |
| 1983 | 690 | | Authorizing sale of land under control of Dept. of Mental Health in Town of Norton for industrial purposes (approved 12/12/83) |
| 1984 | 28 | 1,2 | Kenneth Frank Knowlton-Memorial Bridge over I-495 on Route 123 (approved 5/8/84) |
| 1985 | 431 | 15,16 | Change Bd. of Water Commissioners to Bd. of Water/Sewer Commissioners, Amend Chapter 466 of the Acts of 1910, S 15 & 16 (approved 10/15/85) |
| 1989 | 30 | | Validating certain action taken by the Town of Norton relative to certain Zoning by-laws. (approved 4/24/89) |
| 1989 | 325 | | Bridge on Plain St. over I-495 designated as Norton Veterans' Memorial Bridge (approved 8/2/89) |
| 1990 | 291 | | Enhanced 911 (accepted 5/13/91 Article 19) |
| 1993 | 71 (Section 83) | | Education Reform/Early Retirement Incentive Program for Teachers STM 3/21/94 Art. 2 |
| 1993 | 481 | | Permit common victuallers licensed to sell wine & malt beverages to also sell liqueurs and cordials (ATM 10/24/94) Art. 11 |
| 1995 | 182 | | Laying out & Acceptance for certain ways in the Town of Norton (ATM 6/5/95) Art. 20. Approved 10/26/95 |

ACTS AND RESOLVES (Cont.)

| <u>ACTS OF (YR.)</u> | <u>CHAPTER</u> | <u>SECTION</u> | <u>SUBJECT</u> |
|----------------------|----------------|----------------|--|
| 1996 | 187 | | Provide that certain alcoholic beverage license issued shall not affect the number of licenses said Town my issue. |
| 2003 | 137 | 1 | Allow Town to pay an employee granted a military leave of absence regular pay, etc. (ATM 5/10//04, Art. 18) |

GENERAL LAWS ACCEPTED BY THE TOWN OF NORTON

| <u>CHAPTER</u> | <u>SECTION</u> | <u>ACCEPTED</u> | <u>ARTICLE</u> | <u>SUBJECT</u> |
|----------------|------------------|----------------------------------|----------------------|--|
| 31 | 48 | | | Reg. or Perm. Members of Fire Dept. Under Civil Service |
| 32 | 22 (7)(c)(ii) | 3/1950 | Art. 24 | Town Appropriation to be paid to Board of Retirement |
| 32B | | 3/9/64 | ATE | Group Life Insurance, Group Accidental Death & Dismemberment, Group General or Blanket hospital, surgical & medical insurance for employees & their dependents. |
| 32B | 7A | 5/2/88 | Art. 35 & Art. 36 | Town pay a subsidiary or additional rate in addition to the payment of 50% for contributory group life & health insurance for employees. Town shall equal 75% with employees paying 25%. |
| 32B | 9E | 9/26/88 | Art. 3 | Town to pay 75% of the cost of premiums for Contributory Group Life & Health for employees retired from the service to the Town and their dependents. |
| 32B | 18 | 9/30/96 | Art. 16 | Employees Health Ins. Retirees Medicare |
| 32B | 20 | 5/9/11 | Art. 3 | Establishment of Post Employment Benefits Liability Trust Fund |
| 39 | 23 | 3/3/36 | Art. 28 | Business Session of ATM held at time other than that of the Election of Officers |
| 39 | 23D | 2/7/07 | Art. 8 | Member of board or committee shall not be disqualified from voting solely due to absence from one session of an adjudicatory hearing. |
| 40 | 5B | 5/5/75 | Art. 59 | Stabilization Fund |
| 40 | 6F | REPEALED BY C693 ACTS OF 1977 | | Repairs of Private Ways Repealed effective 7/1/78. Originally accepted 3/6/61, Art. 23 |
| 40 | 6H | REPEALED BY C693 ACTS OF 1977 | | Private Ways - amended by C319 of the Acts of 1961 Repealed effective 7/1/78 Town may adopt By-Law pursuant to C40, S6N. Originally accepted 3/5/62, Art. 15. |

GENERAL LAWS ACCEPTED BY THE TOWN OF NORTON

| <u>CHAPTER</u> | <u>SECTION</u> | <u>ACCEPTED</u> | <u>ARTICLE</u> | <u>SUBJECT</u> |
|----------------|----------------|-------------------|--------------------|--|
| 40 | 6J | | | Highway Dept. Appropriate money for Work Clothes |
| 40 | 7 | 3/7/66 | Art. 22 | Appropriate money for removal of snow and ice on sidewalks |
| 40 | 8B | | | Council on Aging - established by-law 3/21/72, Art. 23 |
| 40 | 8C | 3/5/62 | Art. 23 | Conservation Comm. - C223 Acts of 1957 |
| 40 | 8D | 9/21/70 | Art. 8 | Historical Commission |
| 40 | 8G | 5/5/75 | Art. 32 | Mutual Police Aid Program |
| 40 | 8J | 6/25/87 | Art. 12 | Commission on Handicapped Affairs |
| 40 | 13C | 6/8/98 | Art. 2 | Workers' Compensation Reserve Fund |
| 40 | 22D | 3/2/64 3/30/72 | Art. 50 Art. 56 | Towing of Vehicles |
| 40 | 22F | 5/10/04 | Art. 19 | Allow Depts. To set certain fees |
| 40 | 42A-F | 5/10/04 | Art. 4 | Allow Board of Water/Sewer Commission to file liens. |
| 40 | 57 | 5/27/86 | Art. 8 | Granting or renewing permits or licenses if taxes owed. By-law est. 5/13/91, Art. 31 |
| 41 | 38A | 3/1/43 | Art. 24 | Tax Collector as Town Collector |
| 41 | 41B | 6/11/83 | Art. 16 | Direct Deposit for Town Employees |
| 41 | 69B | 6/5/83 | Art. 16 | Enterprise Account - Water Dept. |
| 41 | 81U | 10/16/95 | Art. 6 | Paragraph 12 - Expenditure of Default Funds - Sub Divisions |
| 44 | 53C | 4/9/73 | Art. 30 | Police Off Duty Account |
| 44 | 53D | 1/8/79 | Art. 27 | C665 Acts of 1977 - Est. a Recreation/Park self-supporting Service Revolving Fund |
| 48 | 42A | 6/11/83 | Art. 40 | Abolished Board of Fire Engineers Original By-Law est. 4/7/58. Accepted this Chapter |

GENERAL LAWS ACCEPTED BY THE TOWN OF NORTON

| <u>CHAPTER</u> | <u>SECTION</u> | <u>ACCEPTED</u> | <u>ARTICLE</u> | <u>SUBJECT</u> |
|----------------|----------------|------------------------------|----------------|---|
| 53 | 9A | 6/11/83 | Art. 17 | Procedure for Nomination Papers |
| 53 | 121 | RESCINDED 3/1/71, Art. 18 | | Rescinded - voted to eliminate procedures of Town Caucus effective 1/1/72. Originally accepted 3/4/63, Art. 31 |
| 59 | 2A | 6/7/99 | Art. 28 | Assessor's Valuation of Land |
| 59 | 5 | 12/5/83 | Art. 3 | Tax abatement for persons 70 yrs. of age. Clause 41B |
| 59 | 5 | 6/7/82 | Art. 13 | Real Estate Tax Exemption - Accepted C743 of the Acts of 1981 which amends C59, S5 |
| 59 | 5 | 9/26/86 | Art. 9 | Providing relief from impact of revaluation. Accepted C73 of Acts of 1986, S1 & S3, amends C59,S5 by adding Clause 17D & Clause 41C |
| | | 6/7/10 | Art. 14 | Adjust limits for exemptions granted under Ch 59, S5, Clause 41C; Seniors gross receipt to \$20,000 & exemption to \$1,000 Eff7/1/10 |
| 59 | 5 | 6/7/10 | Art. 17 | Accept Clause 17E - Annual increase in whole estate asset limitations for exempt. to senior citizens & surviving spouse/minors Under Ch59, S5, Clause 17D by the COLA. Effective 7/1/10. |
| 59 | 5 | 6/7/10 | Art. 16 | Chapter 59, added by Chapter 1818 of the Acts of 1995. Annual increase in the amt of the exemption granted to senior citizens & surviving spouses/minors under Ch 59, S5, Clause 17D by 100% of the COLA for the previous year. Effective 7/1/10. |
| 59 | 5 | 6/7/10 | Art. 15 | Accept Clause 41D, annual increase in gross receipts income and whole estate limits for exemptions granted to senior citizens under Ch59,S5, Clause 41C by the COLA of the previous year. Effective 7/1/10 |
| 59 | 5 | 6/7/10 | Art. 13 | Clause Fifth B; amount to be exempted from taxation of Real & Personal Property for Incorp Organizations of veterans of war not to exceed total assessed value of \$700,000. Effective 7/1/10 |

GENERAL LAWS ACCEPTED BY THE TOWN OF NORTON

| <u>CHAPTER</u> | <u>SECTION</u> | <u>ACCEPTED</u> | <u>ARTICLE</u> | <u>SUBJECT</u> |
|----------------|------------------------------|-----------------|----------------|--|
| 59 | 5 | 9/26/86 | Art. 10 | Regulation of property tax exemptions for blind persons. Accepted C258 of Acts of 1982 which amends C59,S5 by adding Clause 37A |
| 59 | 5K | 5/13/02 | Art. 2 | Senior Citizen Property Tax Work-Off Program. |
| 59 | 57C | 5/10/04 | Art. 17 | Quarterly Tax Payments – Effective 7/1/05 |
| 64G | 3A Amended 10/09, Art. 15 | 10/1/01 | Art. 10 | Local Excise Tax on motel, hotels, etc. Raised to 6% effective 1/1/2010. |
| 64L | 2A | 10/5/09 | Art. 14 | Local Excise .75% on restaurant meals Effective 1/1/2010 |
| 71 | 16-16I | 3/9/64 | | Election Regional School District |
| 71 | 71E | 6/29/81 | Art. 9 | Expenditure of Receipts from Adult Ed., etc |
| 71 | 71F | 6/7/10 | Art. 4 | School Committee deposit tuition payments for non-resident & foster children |
| 80 | 13B | 10/17/85 | Art.13 | Deferral of Payment of Assessments |
| 90 | 18A | 3/4/63 | Art. 35 | Roads-Regulate the use of Ways by Pedest. |
| 90 | 20A1/2 | 6/5/82 | Art. 28 | Parking Regulations/Clerk/Fines |
| 90 | 20C | 3/30/72 | Art. 57 | Parking Fines |
| 121 | 26K | 3/4/68 | Art. 47 | Housing Authority - Replaced by C751, Acts of 1969 Est. C121B Housing & Urban Renewal - Housing Authority created under provisions of 121 S26K existing as of effective date of Acts of 1969 establishing C121B shall deemed to be and shall have all the powers, rights, duties, and obligations of housing authority under provision of C121B, S3. |
| 138 | 12B | 6/5/82 | Art. 35 | Accepted C606 of the Acts of 1981 which amends C138 by adding S12B - Lewd and salacious entertainment in places serving alcoholic beverages. |
| 138 | 33B | 1/19/11 | Art. 4 | Selectman authority to permit licensees to sell alcohol 10-12 on Sundays holidays. |

GENERAL LAWS ACCEPTED BY THE TOWN OF NORTON

| <u>CHAPTER</u> | <u>SECTION</u> | <u>ACCEPTED</u> | <u>ARTICLE</u> | <u>SUBJECT</u> |
|----------------|----------------|-----------------|----------------|--|
| 140 | 147A | 5/27/86 | Art. 13 | Authorizing Towns to Assume Responsibility and liability for dog licenses, control and regulation. |
| 148 | 26G | 5/3/80 | Art. 42 | Smoke detectors in buildings of 6 or more apartments built prior to 1975. |
| 148 | 26G | 6/11/83 | Art. 32 | Automatic Sprinkler Systems |
| 148 | 26H | 5/20/87 | Art. 28 | Requires sprinklers in Boarding Houses and Rooming Houses |
| 148 | 26I | 5/7/90 | Art. 6 | Sprinklers in new buildings with 4 or more units |
| 166 | 32A | 7/31/80 | Selectmen | Permitting Local Inspector of Wires to work as an electrician |
| 258 | 9 | 6/6/81 | Art. 14 | Idemnification for Personal Loss |
| 258 | 13 | 4/27/81 | Election | Indemnification for Municipal Officers |