



**ADMINISTRATIVE  
BY-LAWS  
OF THE  
TOWN OF CLINTON  
MASSACHUSETTS**

**APPROVED 1914**

**Updated 2021  
Office of the Town Clerk**

## **ARTICLE I: TOWN MEETING AND PROCEDURE THEREAT**

### **SECTION 1.**

All business of the annual meeting, except the election of such officers and the determination of such matters as by law are required to be elected or determined at such a meeting, the raising and appropriating of money in anticipation of payment of taxes and the fixing of salaries of town officers and proposed changes or additions to the existing by-laws, shall be considered at the Annual Town Meeting, which shall be held on the first Monday in June at seven o'clock P.M. (Note: The Selectmen may "delay" the Town Meeting under provisions of M.G.L. c39 s9) The annual election of Town Officers shall be held on the second Monday in June each year. The polls shall be open at seven o'clock in the forenoon and shall remain open until eight o'clock in the evening, when they shall be closed, and the polls shall be closed, and it shall be so stated in the Warrant calling said election meeting. On matters requiring a two-thirds vote by statute, a count need not be taken unless the vote so declared by the Moderator is questioned by seven (7) or more voters as provided in Chapter 39, Section 15 of the M.G. L.

**(Revised Meeting Date at STM 12/26/31 Art. 6)**

**(Revised Meeting Date at ATM 2/27/73 Art. 45)**

**(Revised at ATM 11/13/89 Art. 8 election hours 7A.M. to 8 P.M.)**

**(Revised at ATM 6/12/96 Art. 18 "changes to Administrative By-Laws only at the Annual Town Meeting")**

**(Revised at ATM 4/28/97 Art. 17 "Annual Town Meeting to be held on last Monday in April at seven o'clock P.M.")**

**(Revised at ATM 4/27/98 Art. 18 "On matters requiring a two-thirds vote")**

**Revised at A.T.M. 06/29/09 Art. 9 "Annual Town Meeting to be held on The first Monday in June. Annual Town Election to be held on the second Monday of June")**

### **SECTION 2.**

Warrants for Town Meeting shall be served by publication in at one (1) issue of one of the newspapers published in the town, one of which publications shall be at least seven (7) days before the date of the Meeting.

**(Revised from three (3) issues of publication to one (1) issue at A.T.M. 6/29/09 Art.13)**

**(Revised to include that publication also be placed on Town web-site ATM 6/29/09 Art. 13)**

### **SECTION 3.**

Special Town Meetings shall be called on any day not earlier than seven o'clock P.M., except that on Saturday they may not be called earlier than nine o'clock A.M.

**(Revised Saturday time from two o'clock p.m. to nine o'clock a.m. at A.T.M. 6/12/96 Art. 19)**

**(Revised STM time from seven-thirty o'clock p.m. to seven o'clock p.m. at ATM 4/28/97 Art.17)**

### **SECTION 4.**

At any Town Meeting held for the transaction of town business, no person whose name is not on the list of voters shall be admitted to the floor of the Hall. It shall be the special duty of the police officers and the town tellers to enforce this by-law by use of the check-list; but the same shall not apply to the State Election, primaries or meetings for the election of officers, or to prohibit press reporters from such admission. The Moderator shall determine the bounds of the hall.

### **SECTION 5.**

Printed copies of the Warrant shall be furnished the voters at all town meetings. **(See Article III, Section 8)**

### **SECTION 6.**

Articles in the Warrant shall be acted upon in the order in which they stand, except that the Moderator may, upon request and for reasons stated, entertain a motion to take up an article out of its regular order.

### **SECTION 7.**

No motion, the effect of which would be to dissolve a town meeting, shall be in order until every article in the Warrant has been duly considered and acted upon, but this shall not preclude the postponement of action on or consideration of, any article to an adjournment of the meeting to a stated time.

### **SECTION 8.**

No person shall speak more than twice upon any question, except to answer an inquiry or give information requested, without first obtaining leave of the meeting, and then not until others who have not spoken upon the question shall have spoken if they desire.

### **SECTION 9.**

All committees shall be appointed by the Moderator unless otherwise specially directed by the meeting, and all committees so appointed shall be directed to report within a definite time. If a committee does not report within the time stated, or at the first town meeting held thereafter, it shall be considered discharged. The Moderator shall not be member ex-officio of any committee.

### **SECTION 10.**

All votes on motions shall be taken in the first instance by a show of hands; If the Moderator be in doubt he may call for a second show of hands; if the Moderator be still in doubt, or if the vote as declared by the Moderator be immediately questioned by seven or more of the voters, the vote shall then be taken by a "yes" or "no" ballot. Nothing in this section shall be construed to prevent the taking of a vote by ballot in the first instance, if a motion to that effect shall be duly made and carried by a majority of the voters present and voting thereon. All votes on the appropriation of money in excess of Ten Thousand Dollars shall be taken in the first instance by ballot, as above provided, unless said appropriation shall be recommended by the Finance Committee.

**(Changed from \$ 500 to \$ 10,000 at STM 11/17/87 Art. 8)**

### **SECTION 11.**

A motion to reconsider any vote must be made before the final adjournment of the meeting at which the vote was passed; but any such motion to reconsider shall not be made at an adjourned meeting unless the mover has given notice of his intention to make such a motion, either at the session of the meeting at which the vote was passed or by written notice to the Town Clerk within forty-eight hours after the adjournment of said session. There can be no reconsideration of a vote once reconsidered, and when reconsideration has once been refused by the meeting the Moderator shall not entertain a subsequent motion to reconsider.

### **SECTION 12.**

The Moderator may decline to put motions obviously frivolous or tending to disorder, and all his rulings by the provisions of this article. In matters not herein provided for, he shall rule in such a manner as in his judgment will make for an orderly meeting and best serve the interests of the town.

### **SECTION 13.**

Quorum, There shall be quorum of 50 voters at a Town Meeting.  
At a Special Town Meeting there shall be quorum of 30 voters.

**(Added at A.T.M. 2/27/56 Art. 17)**

**(Revised from 300 for an A.T.M. & 250 for a S.T.M. at S.T.M. 7/8/91 Art. 3)**

**(Revised from 250 for an A.T.M. & 200 for a S.T.M. at A.T.M. 6/29/09**

**Art. 14)**

**Revised A.T.M. 6/7/21 Art. 35**

## **ARTICLE II: DUTIES OF THE FINANCE COMMITTEE**

### **SECTION 1.**

There shall be a Finance Committee, consisting of six voters of the town, no one of whom shall be a town officer elected by ballot, or an appointed official receiving a salary. The members of this committee shall be sworn to the faithful performance of their duties and shall serve without salary.

### **SECTION 2.**

The Finance Committee shall be appointed by the Moderator. The Moderator elected at the annual Town Meeting in the year 1914, shall in April of that year appoint a Finance Committee, two of whom shall be appointed for a term of one year, two for a term of two years, and two for the term of three years. The Moderator elected at the annual meeting in each year thereafter, shall within 30 days of being elected, appoint two members of said committee to serve for the term of three years. The term of office of said members shall commence upon their appointment and being sworn in by the Town Clerk. The committee shall forthwith fill by appointment any vacancies which occur in its membership, and said appointee shall serve for the remainder of his predecessor's term of office. **(Deleted sentence on Political Party reference at ATM 04/28/97 Art. 19)**

### **SECTION 3.**

The Finance Committee shall consider matters relating to the appropriation, the borrowing and the expenditure of money by the Town, its indebtedness, the methods of administration of its various offices and departments, property valuation and assessments, and other municipal affairs, and may make recommendations to the Town or to any town board, officer or committee, relative to such matters.

### **SECTION 4.**

The Finance Committee, or its duly authorized agents, shall have authority at any time to investigate the books, accounts, records, or management of any office or department of the Town, said committee may employ such assistance as it may deem advisable for that purpose. Said books, accounts and records shall be open to

the inspection of the committee or any person employed by it. All officers and committees of the Town, either appointive or elective, shall furnish to the Finance Committee, upon request, information of any kind relating to such office, department or committee, and shall upon request, submit to the inspection of the Finance Committee or its duly authorized agents, all books, accounts, documents, correspondence and records of such office, department, or committee.

#### **SECTION 5.**

The various town boards, officers and committees charged with the expenditure of town money, shall before January first of each year, prepare detailed estimates of amounts deemed by them necessary for the administration of their respective offices or departments for the ensuing fiscal year, with explanatory statements of the reasons for any changes from the amounts appropriated for the same purpose in the current year. They shall also prepare estimates of all probable items of income which may be received by them during the ensuing year in connection with the administration of their departments or offices, and a statement of the amount of the appropriation requested by them for the ensuing fiscal year. Said estimates and statements shall be filed with the clerk of the Finance Committee on or before January first of each year. The Finance Committee shall duly consider the same and may confer with said boards, officers and committees, and may hold hearings if they deem it advisable. The committee shall thereupon approve or disapprove the amount, in whole or in part, of the appropriation so requested. The committee shall furnish to the Selectmen on or before February first of each year, a report of the matters so considered by it, with recommendation or suggestion relative thereto, and the same shall be published in the annual town report of that year. Said report of the Finance Committee as published in the Town Report shall also contain a statement of the doings of the committee during the year, with such recommendations or suggestions as it may deem advisable on any matters pertaining to the welfare of the Town.

#### **SECTION 6.**

Requests by town boards, officers or committees for the insertion of articles in warrants for special town meetings, which requests involve the expenditure or appropriation of money, shall be presented in the first instance to the Finance Committee. The Finance Committee, after due consideration, as provide in Section 5 of this Article, shall approve or disapprove, in whole or part, the expenditure or appropriation involved, and shall so notify the board, officer or committee which submitted the request for the article, and also the Board of Selectmen with such recommendations or suggestions as the Finance Committee shall deem advisable. When an expenditure or appropriation is sought by the

Board of Selectmen for a department or matter under the control of said Board, any proposed article for such expenditure or appropriation must first be submitted to the Finance Committee for its approval or disapproval as herein provided.

## **SECTION 7.**

### **FINANCE AND FISCAL PROCEDURES**

#### **Fiscal Year**

The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless general law requires another period.

#### **School Committee Budget**

- (a) **Public Hearing** – At least seven days before the meeting at which the School Committee is to vote on its final budget request, the School Committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall specifically indicate any major variations from the current budget, and the reasons for such changes. It shall further indicate the times and places at which complete copies of its proposed budget are available for examination and distribution to the public, and the date, time and place when a public hearing will be held by the school committee on the proposed budget. The School Committee shall take its final vote on its proposed budget not sooner than at its next regularly scheduled meeting following the public hearing.

(b) **Submission to Board of Selectmen and Finance Committee** – The budget as adopted by the School Committee shall be submitted to the Board of Selectmen and Finance Committee by February 15<sup>th</sup>. This date will give the boards in excess of sixty days, prior to town meeting, to consider the effect of the school department's requested appropriation upon the total town operating budget which is required to be submitted under this article.

#### **All Other Elected and Appointed Official's Budgets**

The budgets as prepared by all other elected and appointed officials shall be submitted to the Board of Selectmen and Finance Committee by no later than February 1<sup>st</sup>.

### **Budget Finance Subcommittee**

On an annual basis, the Finance Committee and Board of Selectmen shall create and appoint a temporary budget subcommittee consisting of two members of each board to work together in resolving budget issues. The meetings of the subcommittee shall be informal and at the will of the members. The subcommittee shall exercise no statutory powers and shall act as a liaison between the boards in resolving budgetary conflicts. The Subcommittee shall disband at the conclusion of the fiscal year.

### **Submission of Budget and Budget Message**

Within the time by-law, before the Town Meeting is to convene in its annual session, the Board of Selectmen, through its Town Administrator, shall prepare a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents. The Board of Selectmen shall simultaneously provide for the publication in a local newspaper of a general summary of the proposed budget. The summary shall specifically indicate any major variations from the current operating budget and the reason for such changes. The notice shall further indicate the times and places at which complete copies of the proposed operating budget are available for examination and distribution to the public.

### **Budget Message**

The budget message of the Board of Selectmen shall explain the budget for all town agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include other material as the Board of Selectmen deem reasonable.

### **The Budget**

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year, except as may otherwise be required by general law or this by-law. In the presentation of the budget, the Board of Selectmen shall utilize modern concepts of fiscal presentation so as to furnish maximum information and the best fiscal control. The budget shall show in detail all estimated income from the proposed property tax levy and other sources and all proposed expenditures, including debt services for the following year. The budget shall be arranged to show the actual and estimated income and expenditures for the previous, current and ensuing fiscal years and shall indicate in separate sections:

- (a) Proposed expenditures for current operation during the ensuing fiscal year, detailed by town agency and position in terms of work programs, and the method of financing such expenditures
- (b) Proposed capital expenditures during the ensuing fiscal year, detailed by town agency, and the proposed method of financing each such capital expenditure;
- (c) Estimated surplus revenue and free cash at the end of the current fiscal year, including estimated balances in any special accounts established for specific purposes.
- (d) General long-term debt group of accounts and a statement of general long-term debt that shall include: inside and outside debt limit, date of bond, maturity year, rate of interest, amount of original issue, bonds outstanding at end of current fiscal year, and bonds outstanding at end of proposed budget year.
- (e) All encumbered funds for prior fiscal years.

### **Budget Presentation to Finance Committee**

Within the time fixed by by-law, before the Town Meeting is to convene in its annual session, the Board of Selectmen shall present their final version of the budget in sufficient time for the Finance Committee to conduct their public hearings on the proposed budget and make recommendation to Town Meeting.

### **Finance Committee Action on the Budget**

- (a) **Review-** The Finance Committee shall consider, in open public Meetings, the detailed expenditures proposed for each town Agency simultaneous with the Board of Selectmen's review And may confer with representatives of each such agency in connection with its review and consideration. The Finance Committee may require the Board of Selectmen, or any other town agency, to furnish it with such additional information, as it may deem necessary to assist it in its review and consideration of the proposed operating budget.

- (b) **Public Hearing** - Forthwith upon its receipt of the proposed operating budget from the Board of Selectmen and subsequent review of all town agencies and departments budgets, the Finance Committee shall provide for the publication in a local newspaper of a notice stating the time and place, not less than seven or more than fourteen days following such publication, at which it will hold a public hearing on the proposed operating budget as submitted.
- (c) **Action by Town Meeting** - The Finance Committee shall file a Report containing its recommendations for the action to be taken by the Town Meeting on each line item in the proposed operating budget, which report shall be available at the Town Clerk's office At least seven days before the date on which the Town Meeting acts on the proposed budget. When the amendments that have been submitted subsequent to their initial filing are before the Town Meeting for action, the budget shall first be subject to amendments, if any, proposed by the Finance Committee before other amendments shall be proposed.

The budget to be acted upon by any Annual or Special Town Meeting shall be the budget proposed by the Finance Committee.

The annual town warrant shall contain only one column of proposed revenue and expenditures, being the Finance Committee report of recommendations.

The responsibility of requesting and collecting all annual budgetary information shall rest with the Board of Selectmen.

**(Added at A.T.M. 5/20/05 Art. 15) Pending Atty. General. Approval)**

## **SECTION 8.** **DEPARTMENTAL REVOLVING FUNDS.**

For use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those

programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, §53E½.

**B. Expenditure Limitations.** A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this Bylaw without appropriation subject to the following limitations:

1. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund, except for those employed as school bus drivers.
2. No liability shall be incurred in excess of the available balance of the fund.
3. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of the authorization that is later approved during that fiscal year by the Board of Selectmen and the Finance Committee.

**C. Interest.** Interest earned on monies credited to a revolving fund established by this Bylaw shall be credited to the general fund.

**D. Procedures and Reports.** Except as provided in General Laws Chapter 44, §53E½ and this Bylaw, the laws, bylaw, rules, regulations, policies or procedures that govern the receipt and custody of the Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this Bylaw. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

**E. Authorized Revolving Funds.** The following Table of Authorized Revolving Funds establishes:

1. Each revolving fund authorized for use by a Town department, board, committee, agency or office;

2. The department or agency head, board, committee or officer authorized to spend from each fund;
3. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;
4. The expenses of the program or activity for which each fund may be used;
5. Any restrictions or conditions on expenditures from each fund;
6. Any reporting or other requirements that apply to each fund; and
7. The fiscal years each fund shall operate under this By-law.

<b>Revolving Fund</b>	<b>Department, Board, Committee, Agency or Officer Authorized to Spend from Fund</b>	<b>Fees, Charges or Other Receipts Credited to Fund</b>	<b>Program or Activity Expenses Payable From Fund</b>	<b>Restrictions or Conditions on Expenses Payable From Fund</b>	<b>Other Requirements / Reports</b>	<b>Fiscal Years</b>
Gas & Plumbing Inspection	Gas & Plumbing Inspector	Inspection Fees	Salaries & Expenses	None, other than as set forth in this Bylaw and by Town Meeting vote	None, other than as set forth in this Bylaw and by Town Meeting vote	Fiscal Year 2018 and subsequent years
Council on Aging	Council on Aging	User Charges	Salaries & Expenses	None, other than as set forth in this Bylaw and by Town Meeting vote	None, other than as set forth in this Bylaw and by Town Meeting vote	Fiscal Year 2018 and subsequent years
Town Hall Use	Board of Selectmen	Rental Fees	Salaries & Expenses	None, other than as set forth in this Bylaw and by Town Meeting	None, other than as set forth in this Bylaw and by Town Meeting	Fiscal Year 2018 and subsequent years

				vote	vote	
Olde Home Day	Old Home Day Committee	Fees	Expenses	None, other than as set forth in this Bylaw and by Town Meeting vote	None, other than as set forth in this Bylaw and by Town Meeting vote	Fiscal Year 2018 and subsequent years
Fuller Field	Fuller Field Commission	User Fees	Salaries & Expenses	None, other than as set forth in this Bylaw and by Town Meeting vote	None, other than as set forth in this Bylaw and by Town Meeting vote	Fiscal Year 2018 and subsequent years
Town Clerk	Town Clerk	Fees	Expenses	None, other than as set forth in this Bylaw and by Town Meeting vote	None, other than as set forth in this Bylaw and by Town Meeting vote	Fiscal Year 2018 and subsequent years

**ARTICLE III: DUTIES OF THE SELECTMEN**

**SECTION 1.**

The Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law or by these by-laws. Membership of the Board of Selectmen shall be five (5) members; the term of office shall be three years.

**(Term of office changed from 1 year to 3 years at S.T.M. 8/9/43 Art. 3)**

**(Changed from 3 to 5 members at S.T.M. 11/13/89 Art. 9)**

## **SECTION 2.**

The Selectmen may appear, either personally or by the Town Solicitor, or by special counsel duly employed by the Law Committee as provided under Article XII of these by-laws, before any Court, committee of the Legislature, or any State or County Board or Commission, to protect the interests of the town, but are not authorized by these by-laws to commit the Town to any course of action.

## **SECTION 3.**

The Selectmen shall have charge of, and shall draw orders on any and all monies appropriated for the departments under their control and all appropriations not specifically entrusted to the control of any particular board or committee, except as provided under Section 2 of Article VII of these by-laws. They shall not transfer monies appropriated for a specific purpose to any other appropriation. They shall make a detailed report of all appropriations and expenditures therefrom, in the annual Town Report.

## **SECTION 4.**

All conveyances of land or interests in land which may hereafter be authorized by a vote of the Town, or otherwise, shall be signed by a majority of the Board of Selectmen, unless otherwise provided by law or by vote of the Town, and shall be sealed with the town seal.

## **SECTION 5.**

The Selectmen shall annually, at least thirty days before the annual Town Meeting, appoint at least two tellers from each voting district, whose duty it shall be to check on the voting list, names of the voters coming into Town Meetings. They shall be paid no less than the prevailing minimum hourly wage, and not less than two hours pay for any one meeting, including cancellations and adjournments. They shall act during the year at all Town Meetings, except as provided for in Section 4 of Article I. The Selectmen shall have the power to fill any vacancies that occur in the number of said tellers during the year. Said tellers shall report at the Town Hall for duty one-half hour before the hour for which said meeting is

called, and they shall at that time and for that meeting only, fill any vacancy in their number.

**(Revised at S.T.M. 11/13/89 Art. 12)**

#### **SECTION 6.**

The Selectmen shall insert in all town meeting warrants an article providing for the receiving of reports of any outstanding committees.

#### **SECTION 7.**

In town meeting warrants the Selectmen shall cause to be printed at the end of each article involving the expenditure of appropriation of money, the word “Approved” or Disapproved”, in whole or in part, in accordance with the report of the Finance Committee.

#### **SECTION 8.**

The Selectmen shall furnish for the use of the voters at each Special Town Meeting and at the adjournment of the Annual Town Meeting, printed copies of the Warrant for that meeting. The type shall not be less than 8 point.

#### **SECTION 9.**

It shall be the duty of the Selectmen to impose and enforce a set of rules and regulations for the government of the Police Department and the guidance of members thereof. They shall have copies of said rules and regulations printed and shall provide each regular and special member of the Department with a copy of the same.

#### **SECTION 10.**

The Board of Selectmen shall appoint a Town Accountant.

**(Added at STM 3/7/27 Art. 1)**

## **SECTION 11.**

If a Department Head seeks to dispose of any surplus personal property having a value of more than \$500, he/she shall submit a written recommendation to the Chief Procurement Officer (CPO) that the identified personal property is surplus to the department's needs and therefore may be disposed of by the Town. Such written recommendation shall include a good faith estimated value of the personal property. Personal property having a value of less than \$500 and no longer needed by a department may be disposed of as the Department Head deems appropriate providing said Department Head provides ten (10) days' advanced notice to the CPO of the personal property, estimated value and intended disposition.

Personal property recommended as surplus by a Department Head and valued greater than \$500 and less than \$2,500 may be designated surplus by the CPO and the CPO shall advertise the items for sale on the Town website, or in the local newspaper, or by online auction as he/she deems in the best interest of the Town.

For personal property recommended as surplus by a Department Head and valued at \$2,500 or more, the Board of Selectmen shall vote whether to designate such personal property as surplus. For such personal property deemed surplus by the Board of Selectmen, the CPO shall dispose of the personal property in accordance with Chapter 30B of the Massachusetts General Laws by sealed bids or by public auction.

At the discretion of the Board of Selectmen, surplus personal property may be sold at less than fair market value or donated to a governmental entity or an organization which has Internal Revenue Service tax exempt status by reason of its charitable nature as provided in Chapter 30B of the Massachusetts General Laws.

## **SECTION 12.**

No person or corporation shall remove or cause to be removed any soil, sand or gravel from property belonging to the Town of Clinton, without first obtaining the written permission of the Board of Selectmen. Said Selectmen shall inquire of all of the various Town departments to ascertain their needs of any of the above-mentioned materials prior to giving permission to remove these materials from the property of the Town and from the confines of the Town of Clinton. All such materials which are not needed by the Town of Clinton shall be sold at the fair market price of such materials at the time of the sale. No loam or topsoil on property belonging to the Town of Clinton shall be removed from the Town by any

person or corporation; it shall instead be stored at some convenient place, for the future use of the Town.

**(Added at S.T.M. 09/24/62 Art. 7)**

### **SECTION 13.**

The Board of Selectmen shall have the authority to apply for any grant of monies from the United States Government or the Commonwealth of Massachusetts provided such a grant does not involve matching funds from the treasury of the Town of Clinton.

**(Added at A.T.M. 4/28/77 Art. 25)**

### **SECTION 14.**

The Board of Selectmen shall be authorized to expend Federal funds in the Town's name for the purchase of land or buildings for the purposes outline the Federal grant, or act in any manner relating thereto.

**(Added at S.T.M. 10/05/81 Art. 10)**

### **SECTION 15.**

#### **Licensing of Commercial Garage Keepers and Repairmen.**

No person shall offer motor vehicle services to the public, which services include repair, body work or service station activities, and/or the storage of motor vehicles, without being licensed annually for such purposes by the Board of Selectmen. This licensing requirement shall include, but not be limited to, brake and muffler shops, transmission shops, general motor vehicle repair shops, tire shops, wash works, gas stations with or without service bays, and motor vehicle general garage operations.

### **SECTION 16.**

The Board of Selectmen are hereby authorized to grant such licenses upon written application thereof and subject to the terms and conditions as established by the Board of Selectmen and applicable law.

**(Added at A.T.M. 06/04/12 Art. 29)**

**SECTION 17.**  
**MOTEL/HOTEL OPERATION PERMIT**

No person shall operate a motel or hotel, as defined in G.L. c.64G, §1(c) §1(e), but excluding private clubs, without first obtaining a permit from the Board of Selectmen in addition to any other permits or licenses required by state or local law or regulations, such permit being subject to annual renewal by the Board of Selectmen. The Board of Selectmen may promulgate regulations to implement this bylaw, and may revoke the permit for violation of this bylaw and/or any regulations adopted hereunder.

Violation of this bylaw, or of any regulations adopted hereunder, may be enforced through any lawful means in law or in equity by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer of the Town of Clinton including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c.40, §21D. Each day a violation exists shall constitute a separate violation.

The penalties shall be as follows:

First violation:	\$100.00
Second Violation:	\$200.00
Third and subsequent violations	\$300.00

## **ARTICLE IV: DUTIES OF THE TOWN CLERK**

### **SECTION 1.**

The Town Clerk shall furnish for the use of the voters at town meetings, perforated yes and no ballots with letters not less than one-half inch high, as provided for under Section 10 of Article I of these by-laws, and shall also provide regular voting lists for the use of the town tellers at town meetings.

### **SECTION 2.**

He shall keep a file of all Town Reports, reports submitted by all committees chosen by the Town and all original documents relating to the affairs of the Town which come into his custody. He shall suitably index all such reports and documents and all the records of the town in his custody, in manner convenient for reference and examination.

### **SECTION 3.**

He shall have stated daily hours for the transaction of business, and shall give public notice thereof.

### **SECTION 4.**

When the Town Clerk shall receive notice from a voter of his intention to move the reconsideration of any vote, as provided in Section 11 of Article I of these by-laws, he shall immediately thereafter give public notice in a daily newspaper published in the town of Clinton of the receipt of such notice of intention.

## **ARTICLE V: DUTIES OF THE TOWN TREASURER**

### **SECTION 1.**

The Town Treasurer shall have custody of all funds belonging to the Town, except funds for which other provision is made by law, or these by-laws, and he shall pay no money from the treasury, other than court judgments, bonds, notes which may come due and their interest thereon, and weekly pay-rolls, except upon a warrant or order from the board or committee having a charge of an appropriation, or a duly authorized sub-committee of such board or committee, together with the approval

of any other board or officer required by law. Such warrant or order shall be sufficient authority to the Treasurer to pay the same, and payment of the same upon such warrant or order shall be sufficient authority to the Treasurer to pay the same, and payment of the same upon such warrant or order shall discharge him from all liability on account of the money so paid.

**(Elected term changed from 1 year to 3 years at S.T.M. 9/12/44 Art. 13)**

## **SECTION 2.**

The Treasurer shall furnish properly prepared coupons or stubs from all bills or receipts for which he has received money, to the auditor or auditors, to show that he has entered the proper amount in his cash book. He shall also make a detailed report to receipts and expenditures and of all trust and sinking funds in his charge, together with a statement of the town debt, which shall be printed in the Annual Town Report.

## **SECTION 3.**

The Treasurer shall deposit all sums in excess of five hundred (\$500), in some bank or trust company which has the approval of the Selectmen to the credit of the Town.

## **SECTION 4.**

He shall have stated daily hours for the transaction of business, and shall give public notice thereof.

# **ARTICLE VI: DUTIES OF THE TOWN COLLECTOR**

## **SECTION 1.**

Beginning with the election of 1936 a Collector of Taxes shall be elected by official ballot.

**(Added at A.T.M. 2/25/35 Art. 9)**

**(Elected term changed from 1 year to 3 years at S.T.M. 9/12/44 Art. 14)**

## **SECTION 2.**

The collector of taxes shall collect under the title of "Town Collector" all accounts due the Town and he may take such measures to enforce the collection as are provided by the laws of the Commonwealth and he shall account to the Treasurer for all monies collected.

**(Added at A.T.M. 2/25/35 Art. 8)**

## **ARTICLE VII: DUTIES OF THE BOARD OF HEALTH**

### **SECTION 1.**

The Board of Health shall annually make a report to be printed in the Annual Town Report, showing in detail, the statistics of the health and sanitary condition of the Town, with recommendations for its improvements together with a full and comprehensive statement of its work and that of its appointees, during the previous year; such report shall also contain a detailed statement of the amounts expended by the Board during the fiscal year. The Board shall make and publish such regulations as it deems necessary for public health and safety, and from time to time shall cause said rules and regulations to be printed in a form suitable for public distribution.

### **SECTION 2.**

They shall have charge of the appropriations for quarantine purposes, in addition to the regular health appropriation, any special appropriation which may be made by the Town, which concern the health and sanitation of the Town, not specifically entrusted to any other department.

### **SECTION 3.**

All expenses and salaries connected with their administration shall be paid from their appropriation.

## **ARTICLE VIII: DUTIES OF THE DEPARTMENT OF PUBLIC WORKS**

### **SECTION 1.**

The Department of Public Works, including all its sub-divisions, shall keep an accurate detailed account of any and all monies received and expended and in addition as accurate and detailed record of all work and water line and any other project assigned to its jurisdiction within the Town.

### **SECTION 2.**

A pay-roll and detailed pay-roll record shall be properly and accurately maintained covering all employees of the Public Work Department, including all divisions. In addition, a complete and accurate accounting of all monies paid out to all contractors, sub-contractors, and other outside assistance for services performed. Detailed and accurate accounting records shall further be maintained covering the furnishing of any and all materials and services contracted for by the Department and including the cost thereof.

### **SECTION 3.**

The Department of Public Works shall furnish an annual report in detail, of work performed in the Road & Sewer, Tree & Cemetery and Water Departments, together with a detailed statement of the expenses of the departments, to be printed in the Annual Town Report.

### **SECTION 4.**

The Board of Selectmen shall annually appoint a Superintendent of Public Works, who shall have general supervision of the work of the department, subject to the orders of the Board.

### **SECTION 5.**

It shall be the duty of the Superintendent of Public Works to make note of all street or sidewalk obstructions, particularly of all defects from which accidents to person or property are or may be, alleged to have resulted.

Immediately after such accidents are called to his attention, he shall make a careful investigation of the exact location of the alleged defect, the width, length, depth and other facts appertaining to the same. He shall forthwith submit a written report thereof to the Town Solicitor, which shall contain a list of all persons having information concerning the alleged defect or accident.

### **SECTION 6.**

In case of a failure of the owner or tenant or person in charge of an estate to comply with the provisions of Section 12 of Article XVIII, regarding the removal of snow and ice from sidewalks, it shall be the duty of the Superintendent of Public Works to remove such snow and ice; and to forthwith cause complaint to be made in court against the offending person for the violation of said by-law.

### **SECTION 7.**

The Department of Public Works may, if public safety or convenience so require, order that vehicles shall pass along any street or highway in the Town in one direction only. Such order shall be made only after a duly advertised public hearing thereon. Any such street shall be properly marked with signs indicating that such highway is now a one-way street.

### **SECTION 8.**

The Department of Public Works shall not lay out any street on petition until the petitioners shall have furnished the Board with a proper plan of the street prayed for, showing the lands, if any, to be taken, and the names of the owners thereof, the

width of the proposed street, and outline of all buildings which are located adjacent to said street with the offsets from the line of said street to some permanent part of said buildings, stated in figures. In case there are not a sufficient number of buildings to locate the street lines in this manner, then distances from some known street line or some permanent structure must be given. There shall be filed an agreement referring to said plan signed by all parties who decline to release or state their prospective damages. Said plan shall be on mounted paper or substantial tracing cloth in size twenty-one by thirty inches.

A profile of the proposed street shall be drawn on the same sheet, showing the existing elevations of the center and side lines of the street on fifty-foot stations measured from the center of an existing accepted street. The proposed finished grade shall also be shown by a red line or lines. The scale on all such plans shall be forty feet to an inch horizontal, six feet to the inch vertical. In general, all corners of connecting streets shall be rounded by a curve of appropriate radius, to be approved by the Department of Public Works.

#### **SECTION 9.**

The Department of Public Works may order all buildings on public streets to be numbered in such manner as the Board shall prescribe; and shall so order when requested in writing by a majority of the persons owning real estate on any such street. The owner of every such building on a public street shall comply with such order within ten days thereafter. The owner of any unnumbered building may request the Board to designate the number for such building and the Board shall comply with such request within ten days thereafter. The Department of Public Works may recommend such numbering of buildings on private ways.

#### **SECTION 10.**

The Department of Public Works may at any time temporarily close any street or way within the Town, if in the opinion of said Board public necessity, common convenience or safety so require.

#### **SECTION 11.**

All expenses and salaries connected with the administration of the Department of Public Works and appropriations in their charge shall be paid from said appropriations.

**(Revised Art. VIII, duties of D.P.W. at S.T.M. 11/13/89 Art. 13)**

# **ILLCIT DISCHARGE DETECTION** **AND ELIMINATION BY-LAW**

## **I. AUTHORITY**

This By-Law is adopted in accordance with the authority granted, inter alia, by Amendment Article 89 to Article II of the Massachusetts Constitution and M.G.L. Chapter 43B Section 13. The Board of Selectmen is delegated hereby the responsibility and authority to enforce and administer this By-Law. The Board of Selectmen may delegate such aspects of By-Law enforcement and administration to the Superintendent of Public Works and such of his subordinates as the Board of Selectmen may from time-to-time determine and designate in writing.

## **II. PREAMBLE**

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

## **III. PURPOSE**

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

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

d. Assure that the Town can continue to fairly and responsibly protect the public health, safety, and welfare.

#### **IV. DEFINITIONS**

**BOARD**: The Board of Selectmen or its authorized agent(s).

**CLEAN WATER ACT**: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

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

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

**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 of Massachusetts from any source.

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

**GROUND WATER**: Water beneath the surface of the ground including confined or unconfined aquifers.

**ILLICIT CONNECTION**: A 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 Bylaw.

**ILLICIT DISCHARGE**: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section VI. The term does not include a discharge in compliance with an NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit, or resulting from firefighting activities exempted pursuant to Section VI of this Bylaw.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM OR MS4:** The Stormwater collection system which is made up of open water courses, swales, ditches, culverts, canals, streams, catch basins and pipes through which the stormwater flows and the Town Public Ways over which it flows which is owned and operated by the Town for the purpose of collecting or conveying stormwater to a discharge point.

**NON-STORMWATER DISCHARGE:** Discharge to the municipal storm drain system not composed entirely of stormwater.

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

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

**PERSON:** An individual, partnership, association, firm, company, trust, corporation, agency, authority, department, or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

**POLLUTANT:** Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is considered toxic to humans or the environment and may be introduced into any sewage treatment works or waters of the Commonwealth of Massachusetts. Pollutants shall include, but not be limited to:

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, and soils;
10. construction wastes and residues; and
11. noxious or offensive matter of any kind.

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

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

SURFACE WATER DISCHARGE PERMIT: A permit issued by the Department of Environmental Protection 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 or organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under MGL Chapter 21C and Chapter 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 of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, groundwaters, and vernal pools.

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

## **V. ADMINISTRATION**

The Board, shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to its employees or agents. The decisions or orders of the Board of

Selectmen shall be final. Further relief shall be to a court of competent jurisdiction.

## **VI. APPLICABILITY AND EXEMPTIONS**

**Illicit Discharges.** No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth.

**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.

**Obstruction of Municipal Storm Drain System.** No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from The Board.

### **Exemptions**

- a. Discharge or flow resulting from firefighting 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 Board of Selectmen;
- c. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
  - i. Waterline flushing;
  - ii. Flow from potable water sources;
  - iii. Springs;
  - iv. Natural flow from riparian habitats and wetlands;
  - v. Diverted stream flow;
  - vi. Rising groundwater;
  - vii. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
  - viii. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation.

- ix. Discharge from landscape irrigation or lawn watering;
- x. Water from individual residential car washing;
- xi. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- xii. Discharge from street sweeping.
- xiii. Dye testing, provided verbal notification is given to the Board prior to the time of the test;
- xiv. Non-stormwater 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
- xv. Discharge for which advanced written approval is received from the Board as necessary to protect public health, safety, welfare or the environment.

## **VII. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS**

The Board 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 Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

## **VIII. 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 and the department

of public works. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

## **IX. ENFORCEMENT**

- a. The Board of Selectmen shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
- b. The Board of Selectmen or an authorized agent may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include:
  - i. Elimination of illicit connections or discharges to the municipal storm drain system;
  - ii. Performance of monitoring, analyses, and reporting;
  - iii. That unlawful discharges, practices, or operations shall cease and desist; and/or
  - iv. Remediation of contamination in connection therewith.
- c. 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 may, at its option, undertake such work, with the approval of a court of competent jurisdiction, and all costs incurred by the Town shall be charged to the violator, to be recouped through all available means, including the placement of liens on the property.
- d. 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 costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board of Selectmen 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 Board of Selectmen affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL Chapter 59, §57 after the thirty-first day at which the costs first become due.

## **X. ENTRY TO PERFORM DUTIES UNDER THIS BYLAW**

To the extent permitted by Massachusetts law, or if authorized by the owner or other party in control of the property, the Board of Selectmen or its agent may enter upon privately owned property for the purpose of performing their duties under this Bylaw an regulations and may make or cause to be made such examinations, surveys, or sampling as the Board of Selectmen deems reasonably necessary.

## **XI. CIVIL RELIEF**

If a person violates the provisions of this Bylaw, regulations, permit, notice, or order issued thereunder, the Board of Selectmen may seek injunctive relief in a court of contempt jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation

## **XII. CRIMINAL PENALTY**

- a. Any person who violates any provision of this Bylaw, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- b. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in MGL Chapter 40 sec. 21D, in which case the Board of Selectmen or an authorized agent of the Board of Selectmen shall be the enforcing person. The penalty for each violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

### **XIII. REMEDIES NOT EXCLUSIVE**

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

### **XIV. SEVERABILITY**

If any provision, paragraph, sentence, or clause of this Bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

## **MUNICIPAL SEPARATE STORM SEWER SYSTEM**

### **I. PURPOSE**

**A. Purposes.** The purposes of this Bylaw are to:

1. Establish minimum stormwater management requirements and procedures in order to minimize damage to public and private property and infrastructure;
2. Safeguard the public health, safety, environment and general welfare;
3. Protect aquatic resources, wildlife habitat, and drinking water supplies;
4. Protect the quality and health of water resources;
5. Reduce flooding, overloading or clogging of municipal catch basins and storm drainage systems;
6. Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
7. Promote infiltration and the recharge of groundwater to conserve groundwater supplies; and foster climate change resiliency.
8. Foster climate change resiliency.

**Objectives.** This Bylaw seeks to meet that purpose through the following objectives:

1. Establish the Town as the legal authority to ensure compliance with the provisions of this Bylaw;

2. Establish administrative procedures for: the submission, review, and approval or disapproval of Stormwater Management Permits; the inspection of approved active projects; and post-construction monitoring;
3. Establish decision-making processes surrounding new development and redevelopment that protect watershed integrity and preserve and/or restore the health of local water resources such as lakes, ponds, streams, rivers, wetlands, and groundwater;
4. Establish requirements to ensure adequate water quality protection through proper treatment and handling of stormwater during and after construction; and
5. Ensure compliance with requirements of the United States Environmental Protection Agency (EPA), National Pollutant Discharge Elimination System (NPDES), General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable state and federal mandates.

## **II. DEFINITIONS**

For the purposes of this by-law, the following shall mean:

ABUTTER: The owner(s) of land abutting the activity.

AGRICULTURE: The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government to the extent permitted by law requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: The Board of Selectmen (hereafter “the Board” or “Board”), its employees or agents designated to enforce this by-law.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

THE BOARD: Town of Clinton Board of Selectmen or its authorized agent(s).

CERTIFICATE OF COMPLETION: Document issued by the Town of Clinton Board of Selectmen or its authorized agent(s) upon receipt of a final inspection report and acknowledgement that all conditions of the Stormwater Management Permit have been satisfactorily completed.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CLEARING: Any activity that removes the vegetative surface cover.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*) as hereafter amended.

CONSTRUCTION AND WASTE MATERIALS: Excess or discarded building or site materials, including but not limited to concrete truck washout, chemicals, litter and sanitary waste at a construction site that may adversely impact water quality.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

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.

DISTURBANCE OF LAND: Any action that causes a change in the position, location, or arrangement of soil, sand rock, gravel of similar earth material.

ENFORCEMENT ORDER: A written order issued by the Town of Clinton Board of Selectmen or its authorized agent(s) to enforce the provisions of this Bylaw.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (P.E.) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS: Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act Regulations (310 CMR 10.00) and the Forest Cutting Practices Act Regulations (304 CMR 11.00).

GRADING: Changing the level or shape of the ground surface.

GROUNDWATER: Water beneath the surface of the ground.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

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.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LOW IMPACT DEVELOPMENT (LID): An approach to land development design and stormwater management that attempts to mimic the natural hydrology

of the site by avoiding, reducing, and mitigating impacts with natural, non-structural, and structural measures.

MASSACHUSETTS ENDANGERED SPECIES ACT: (G.L. c. 131A) and its implementing regulations at (321 CMR 10.00) which prohibit the “taking” of any rare plant or animal species listed as Endangered, Threatened, or of Special Concern.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, 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 Clinton.

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.

NEW DEVELOPMENT: Any construction activities or land alteration resulting in total earth disturbances equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) on an area that has not previously been developed to include impervious cover.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from a point source discernible, confined and discrete conveyance into waters of the Commonwealth.

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

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 nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

- (a) paints, varnishes, and solvents;

- (b) oil and other automotive fluids;
- (c) non-hazardous liquid and solid wastes and yard wastes;
- (d) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (e) pesticides, herbicides, and fertilizers;
- (f) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (g) dissolved and particulate metals;
- (h) animal wastes;
- (i) rock, sand; salt, soils;
- (j) concrete truck washout;
- (k) sanitary wastes;
- (l) construction wastes and residues; and
- (m) noxious or offensive matter of any kind.

PRE-CONSTRUCTION: All activity in preparation for construction.

PRIORITY HABITAT OF RARE SPECIES: Habitats delineated for rare plant and animal populations protected pursuant to the Massachusetts Endangered Species Act and its regulations.

PROFESSIONAL ENGINEER (P.E.): A registered Professional Engineer in good standing.

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

REDEVELOPMENT: Any construction, land alteration, or improvement of impervious surfaces resulting in total earth disturbance equal to or greater than 1 acre (or activities that are part of a larger common plan of development disturbing greater than 1 acre) that does not meet the definition of new development. .

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of sediment.

SITE: Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL: Any earth, sand, rock, gravel, or similar material.

STABILIZATION: The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent or retard erosion.

STORMWATER: Storm water runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PERMIT: The written approval granted by the Town of Clinton Board of Selectmen or its authorized agent(s) to undertake a construction activity pursuant to a Stormwater Management Permit Application. A valid Stormwater Management Permit must be obtained, and such permit must be recorded at the Worcester Registry of Deeds, prior to the start of any work.

STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit.

STRIP: Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

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.

TOTAL SUSPENDED SOLIDS (TSS): Sediment being carried in stormwater.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

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

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40.

WETLANDS: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

### **III. ADMINISTRATION**

**A. Administration.** The Board of Selectmen, hereafter referred to as the “Board”, shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to its employees or agents.

**B. Rules and Regulations.** The Board may adopt, and periodically amend, rules and regulations relating to the procedures and administration of this bylaw, by majority vote of the Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date. Failure by the Board of Selectmen to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Bylaw.

#### **IV. AUTHORITY**

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

#### **V. APPLICABILITY AND EXEMPTIONS**

**A.** Except as authorized by the Board of Selectmen in a Stormwater Management Permit or as otherwise provided in this bylaw, no person may undertake a construction activity, including clearing, grading, or excavation that results in a Disturbance of Land to an area equal to or greater than one (1) acre of land or will disturb less than one acre of land but is part of a larger common plan of development or sale that will ultimately disturb an area equal to or greater than one (1) acre of land.

**B. Exemptions.**

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04, as amended;
2. Maintenance of existing landscaping, gardens, or lawn areas associated with a single-family dwelling;
3. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
4. Normal maintenance and improvements of the Town's publicly owned roadways and associated drainage infrastructure;
5. Emergency repairs to any stormwater management system or feature that poses a threat to public health or safety, or as deemed necessary by a Town department or board; and
6. Projects that are wholly subject to jurisdiction under the Wetlands Protection Act and demonstrate compliance with the Massachusetts Stormwater Management Handbook, the Town's Wetlands Protection Bylaw and with the stormwater management performance standards of

this bylaw as reflected in an Order of Conditions issued by the Conservation Commission.

## **VI. PERMIT PROCEDURES AND REQUIREMENTS**

**A. Application.** A completed application for a Stormwater Management Permit shall be filed with the Board. A permit must be obtained prior to the commencement of land disturbing activity that may result in the disturbance of an area of one acre or more. The Stormwater Management Permit Application package shall include:

1. A completed Application Form with original signatures of all owners;
2. A list of abutters, certified by the Assessor's Office;
3. Three (3) copies of the Stormwater Management Plan as specified in Section 7 of this bylaw;
4. Three (3) copies of the Erosion and Sediment Control Plan as specified in Section 8 of this bylaw;
5. Three (3) copies of the Operation and Maintenance Plan as specified in Section 9 of this bylaw;
6. Payment of the application and review fees; and
7. One (1) copy each of the application Form and the list of abutters filed with the Town Clerk.

**B. Entry.** Filing an application for a permit grants the Board or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions.

**C. Other Boards.** The Board shall notify the Town Clerk of receipt of the application, and shall give one copy of the application package to the Planning Board, the Conservation Commission, and/or Department of Public Works as appropriate.

**D. Public Hearing.** The Board shall hold a public hearing within twenty-one (21) days of the receipt of a complete application and shall take final action within twenty-one (21) days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the Board. Notice of the public hearing shall be given by publication and posting and by first-class mailings to abutters at least seven (7) days prior to the hearing. The Board shall make the application available for

inspection by the public during business hours at the Town Clerk's Office.

**E. Information requests.** The applicant shall submit all additional information requested by the Board to issue a decision on the application.

**F. Action by the Board.** The Board may:

1. Approve the Stormwater Management Permit Application and issue a permit if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;
2. Approve the Stormwater Management Application and issue a permit with conditions, modifications or restrictions that the Board determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by-law; and
3. Disapprove the Stormwater Management Application and deny the permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives and requirements of this by-law.

**G. Failure of the Board to take final action** upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without the Board's action, the Stormwater Management Permit shall be issued by the Board.

**H. Fee Structure.** Each application must be accompanied by the appropriate application fee as established by the Board. Applicants shall pay review fees as determined by the Board sufficient to cover any expenses connected with the public hearing and review of the Stormwater Management Permit Application before the review process commences. The Board is authorized to retain a Registered P.E. or other professional consultant to advise the Board on any or all aspects of the Application.

**I. Project Changes.** The permittee, or their agent, must notify the Board in writing of any change or alteration of a land-disturbing activity authorized in a Stormwater Management Permit before any change or alteration occurs. If the Board determines that the change or alteration is significant, the Board may require that an amended Stormwater Management Permit application be filed and a public hearing held. If

any change or alteration from the Stormwater Management Permit occurs during any land disturbing activities, the Board may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

**J. Stormwater Pollution Prevention Plans (SWPPPs).** Permittees may be required to prepare a SWPPP to satisfy United States Environmental Protection Agency requirements under the NPDES Construction General Permit (CGP). Permittees are responsible for verifying requirements and preparing a SWPPP in full compliance with CGP regulations, as well as filing any additional materials with EPA, such as a Notice of Intent (NOI). A copy of the NOI and SWPPP shall also be provided to the Board.

## **VII. STORMWATER MANAGEMENT PLAN**

**A. Stormwater Management Plan.** The application for a stormwater management permit shall consist of submittal of a Stormwater Management Plan to the Board. This Stormwater Management Plan shall contain sufficient information for the Board to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse impacts from stormwater. The Plan shall be designed to meet the Stormwater Management Performance Standards as set forth in Part B of this section and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:

1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
2. Project Narrative containing relevant information related to stormwater requirements;
3. A locus map;
4. Description of existing and proposed conditions;
5. The existing zoning, and land use at the site;
6. The proposed land use;
7. The location(s) of existing and proposed easements;
8. The location of existing and proposed utilities;
9. The site's existing & proposed topography with contours at 2-foot intervals with additional spot grades as needed to depict detailed drainage patterns;

10. The existing and proposed hydrology, watershed boundaries, drainage area, and stormwater flow paths;
11. A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
12. A delineation of 100-year flood plains, if applicable;
13. Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration;
14. Evaluation of opportunities for using Low Impact Development (LID) and green infrastructure techniques and BMPs;
15. Plans, drawings and descriptions of proposed drainage system and all components including:
  - (a) Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
  - (b) All measures for the detention, retention or infiltration of water,
  - (c) All measures for the protection of water quality,
  - (d) The structural details for all components of the proposed drainage systems and stormwater management facilities,
  - (e) Notes on drawings specifying materials to be used, construction specifications, and typicals,
  - (f) Analysis of existing and proposed hydrology with supporting calculations,
  - (g) Calculations supporting the estimate of stormwater treatment performance; and
  - (h) Calculations supporting the design of infiltration practices, including design infiltration rates, estimated dewatering times, and mounding analyses, where applicable.
16. Stormwater runoff shall be calculated using latest Northeast Regional Climate Center (NRCC) extreme precipitation amounts for recurrence intervals (storm events) 2-, 10-, 25-, 50- and 100-year frequencies;
17. Documents must be stamped and certified by a qualified registered P.E.; and,
18. Any other information requested by the Board.

**B. Stormwater Management Performance Standards.** Projects shall meet the following performance standards:

1. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth of Massachusetts;

2. Low Impact Development (LID) site planning and design strategies must be implemented unless infeasible in order to reduce the discharge of stormwater from development sites;
3. Stormwater management system design shall be consistent with, or more stringent than, the requirements of the 2008 Massachusetts Stormwater Handbook (as amended);
4. Stormwater management systems on new development shall be designed to meet an average annual pollutant removal equivalent to 90% of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site.
  - (a) Average annual pollutant removal requirements in Section 7.B.4. are achieved through one of the following methods:
    - i. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
    - ii. Retaining the volume of runoff equivalent to, or greater than, 1.0 inch multiplied by the total post-construction impervious surface area on the new development site; or
    - iii. Meeting a combination of retention and treatment that achieves the above standards; or
    - iv. Utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the new development site.
5. Stormwater management systems on redevelopment sites shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site.
  - (a) Average annual pollutant removal requirements in Section 7.B.5. are achieved through one of the following methods:

- i. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
  - ii. Retaining the volume of runoff equivalent to, or greater than, 0.8 inches multiplied by the total post-construction impervious surface area on the redevelopment site; or
  - iii. Meeting a combination of retention and treatment that achieves the above standards; or
  - iv. Utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the redevelopment site.
6. Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways, (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects) shall improve existing conditions where feasible and are exempt from part Section 7.C.5. Roadway widening or improvements that increase the amount of impervious area on the redevelopment site by greater than or equal to a single lane width shall meet the requirements of Section 7.C.5.

## **VIII. EROSION AND SEDIMENT CONTROL PLAN**

**A. Erosion and Sediment Control Plan.** The Stormwater Management Permit Application shall include submittal of an Erosion and Sediment Control Plan to the Board of Selectmen. This Erosion and Sediment Control Plan shall contain sufficient information for the Board of Selectmen about the nature and purpose of the proposed development, pertinent conditions of the site and adjacent areas, proposed erosion and sedimentation controls, and proposed control for other wastes on construction sites such as demolition debris, litter, and sanitary wastes to ensure they are not discharged to the MS4, drainage system, or waters of the United States or Commonwealth of Massachusetts.

**B. The design requirements** of the Erosion and Sediment Control Plan are:

1. Minimize total area of disturbance;

2. Sequence activities to minimize simultaneous areas of disturbance;
3. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
4. Divert uncontaminated water around disturbed areas;
5. Maximize infiltration and groundwater recharge;
6. Install, and maintain all Erosion and Sediment Control measures in accordance with the manufacturer's specifications and good engineering practices;
7. Prevent off-site transport of sediment;
8. Protect and manage on and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project);
9. Comply with applicable Federal, State and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
10. Prevent significant alteration of habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or Of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species from the proposed activities;
11. Institute interim and permanent stabilization measures, which shall be instituted on a disturbed area as soon as practicable but no more than 14 days after construction activity has temporarily or permanently ceased on that portion of the site;
12. Properly manage on-site construction and waste materials;
13. Stabilize construction site entrances and exits and prevent off-site vehicle tracking of sediments; and
14. Ensure that any stormwater BMP (for post-construction stormwater management) installed during construction will be protected from compaction, siltation, and erosion or will be restored or replaced such that the BMP will be capable of functioning as designed in accordance with these stormwater regulations.

**C. Erosion and Sedimentation Control Plan Content.**

The Plan shall contain the following information:

1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan;
2. Title, date, north arrow, names of abutters, scale, legend, and locus map;
3. Location and description of natural features including:

- (a) Watercourses and water bodies, wetland resource areas and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a P.E. for areas not assessed on these maps;
  - (b) Existing vegetation including tree lines, canopy layer, shrub layer and ground cover, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities;
  - (c) Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
4. Lines of existing abutting streets showing drainage and driveway locations and curb cuts;
  5. Existing soils, volume and nature of imported soil materials
  6. Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed;
  7. Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed;
  8. Drainage patterns and approximate slopes anticipated after major grading activities (Construction Phase Grading Plans);
  9. Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
  10. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
  11. Location and description of industrial discharges, including stormwater discharges from dedicated asphalt plants and dedicated concrete plants, which are covered by this permit;
  12. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
  13. A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize

- exposure of the materials to stormwater, and spill prevention and response;
14. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
  15. Plans must be stamped and certified by a qualified and registered P.E. or a Certified Professional in Erosion and Sediment Control and
  16. Such other information as is required by the Board.

## **IX. OPERATION AND MAINTENANCE PLANS**

**A.** A stand-alone **Operation and Maintenance Plan** (O&M Plan) is required at the time of application for all projects. The O&M plan shall be designed to ensure compliance with the Permit and this Bylaw. The Board shall make the final decision of what maintenance option is appropriate in a given situation. The Board will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision. The O&M Plan shall remain on file with the Board and shall be an ongoing requirement. The **O&M Plan** shall include:

1. The name(s) of the owner(s) for all components of the system;
2. Maintenance agreements that specify:
  - (a) The names and addresses of the person(s) responsible for operation and maintenance
  - (b) The person(s) responsible for financing maintenance and emergency repairs;
  - (c) A Maintenance Schedule that includes routine inspection along with routine and non-routine maintenance tasks for each BMP;
  - (d) A list of easements with the purpose and location of each;
  - (e) The signature(s) of the owner(s);
  - (f) Estimated operation and maintenance budget;
  - (g) The responsible party shall:
    - i. Maintain a log of all operation and maintenance activities for the last three years including inspections, repair, replacement, and disposal (the log shall indicate the type of material and the disposal location);
    - ii. Make this log available to the Board of Selectmen and the Commonwealth of Massachusetts upon request;

- iii. Allow DEP and the Board of Selectmen to inspect each BMP to determine whether the responsible party is implementing the Operation and Maintenance Plan; and

**B. Stormwater Management Easement.** Stormwater management easements shall be provided by the property owner(s) as necessary for:

1. Access for facility inspections and maintenance;
2. Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event; and
3. Direct maintenance access by heavy equipment to structures requiring regular cleanout.
4. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
5. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Board.
6. Easements shall be recorded with the Worcester County Registry of Deeds prior to issuance of a Certificate of Completion by the Board.

**C. Changes to O&M Plans.** Changes to Operation and Maintenance Plans

1. The owner(s) of the stormwater management system must notify the Board of changes in ownership or assignment of financial responsibility; and
2. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the Board and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and persons with operational responsibility.

**D. Stormwater infrastructure** shall be privately owned, inspected and maintained per the O&P Plan procedures approved for the project.

**E. Annual Report.** The applicant shall provide the Board with an annual report prepared and stamped by a P.E. documenting and certifying performance of required maintenance and providing an assessment of overall system performance. The report shall be submitted to the Board on a yearly basis by final day in June for the Town to use in preparation of its annual report to the US EPA as part of the NPDES MS4 Permit requirements.

**F. Funding.** The O&M Plan shall include procedures for using dedicated funds, establishing an escrow account, and/or developing a maintenance contract, if determined appropriate to ensure adequate long-term maintenance. Stormwater Management operation and maintenance duties shall be recorded with the deed for each lot in a subdivision. The applicant may elect to set up a homeowner's association (HOA) or other means to ensure all BMPs are inspected and maintained as required.

## **X. INSPECTION AND SITE SUPERVISION**

**A. Pre-construction Meeting.** Prior to starting clearing, excavation, construction, or land disturbing activity the applicant, the applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the Board, to review the permitted plans and their implementation.

**B. Permittee Erosion and Sediment Control Inspections.** The permittee shall conduct and document inspections of all erosion and sediment control measures no less than weekly or as specified in the Stormwater Management Permit, and prior to and following anticipated storm events. The purpose of such inspections is to determine the overall effectiveness of the erosion and sediment control plan, and the need for maintenance or additional control measures. The permittee shall submit monthly erosion and sediment control reports to the Board of Selectmen in a format approved by the Board of Selectmen.

### **C. Board Inspections.**

The Board or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Stormwater Management permit as approved. The Permit and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Board, shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Board at least two (2) working days before each of the following events:

1. Erosion and sediment control measures are in place and stabilized in accord with the filed plan;
2. Site Clearing has been substantially completed;
3. Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures;

4. Rough Grading has been substantially completed;
5. Final Grading has been substantially completed;
6. Close of the Construction Season; and
7. Final Landscaping (permanent stabilization) and project final completion.

**D. Final Inspection.** After the stormwater management system has been constructed and before the surety has been released, the applicant must submit a record plan detailing the actual stormwater management system as installed. The Board shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate, he shall so report to the Board which will issue a Certificate of Completion.

**E. Inspector Qualifications.** Inspections shall be performed by an independent third-party registered P.E. or CPESC. Alternatively, inspections shall be performed by a qualified employee of the Town of Clinton.

**F. Access Permission.** To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary to determine compliance with the permit.

## **XI. FINAL REPORTS**

**A.** Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a P.E., surveyor, or CPESC certifying that all erosion and sediment control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter. As-built drawings shall be submitted no later than one year after completion of construction projects. The as-built drawings must depict all on site controls, both structural and non-structural, designed to manage the stormwater associated with the completed site (post-construction stormwater management). The report shall certify that all permitted construction, plans, and approved changes and modifications, were completed in accordance with the conditions of the approved Stormwater Management Permit. Any discrepancies should be noted in the report.

**B.** If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Plan, it shall be corrected by the permittee before the performance guarantee is released. If the permittee fails to act the Town of Clinton may complete the work. Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

## **XII. CERTIFICATE OF COMPLETION**

The Board will issue a letter certifying completion upon receipt and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw. The Board may, in addition to certifying satisfactory completion of the project, require ongoing maintenance procedures as outlined in the O&M Plan and/or work deemed necessary by the Board.

## **XIII. ENFORCEMENT**

The Board or an authorized agent of the Board shall enforce this by-law, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

**A. Civil Relief.** If a person violates the provisions of this by-law, regulations, permit, notice, or order issued thereunder, the Board may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**B. Orders.** The Board or an authorized agent of the Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder which may include requirements to:

1. Cease and desist from construction or land disturbing activity until there is compliance with this Bylaw;
2. Repair, maintain, or replace the stormwater management system or portions thereof in accordance with the O&M Plan;
3. Maintain, install, or perform additional erosion and sediment control measures;
4. Perform monitoring, analyses, and reporting;

5. Remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system or erosion and sediment control system;
6. Cease and desist from unlawful discharges, practices, or operations; and/or,
7. Remediate contamination in connection therewith.

**C.** 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 Clinton may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

**D.** 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 costs incurred by the Town of Clinton, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board 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 Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57 after the thirty-first day at which the costs first become due.

**E. Criminal Penalty.** Any person who violates any provision of this by-law, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in MGL Chapter 40, sec. 21D, in which case the Board of Selectmen or an authorized agent of the Board of Selectmen shall be the enforcing person. The penalty for each violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**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 Board, 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 Board deems reasonably necessary.

**G. Appeals.** The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction in accordance with MGL Chapter 249 §4.

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

#### **XIV. SEVERABILITY**

If any provision, paragraph, sentence, or clause of this by-law shall be held invalid for any reason, all other provisions shall continue in full force and effect.

#### **XV. SURETY**

The Board of Selectmen may require the permittee to post, before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by Town Counsel, and be in an amount deemed sufficient by the Board of Selectmen to ensure that the work will be completed in accordance with the permit. If the project is phased, the Board of Selectmen may release part of the bond as each phase is completed in compliance with the Stormwater Management Permit but the bond may not be fully released until the Board of Selectmen has received the final inspection report as required by the Stormwater Management Rules and Regulations and issued a Certificate of Completion.

**STORMWATER MANAGEMENT PERMIT APPLICATION**

To the Board of Selectmen:

The undersigned wishes to submit a Stormwater Management Permit Application as defined in the By-Laws of the Town of Clinton and requests a review and determination by The Board of the Stormwater Management Plan.

The Stormwater Management Plan involves property where owner's title to the land is derived under deed from \_\_\_\_\_, dated \_\_\_\_\_, and recorded in the [Insert] County Registry of Deeds, Book \_\_\_\_\_, Page \_\_\_\_\_, or Land Court Certificate of Title No. \_\_\_\_\_, Registered in District, Book \_\_\_\_\_, Page \_\_\_\_\_.

Give a brief summary of the nature of the project.

The property (building) is described as being located at \_\_\_\_\_; it is currently used as \_\_\_\_\_, and the changes proposed to be made are \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The project is located on the parcel shown on Assessors Map \_\_\_\_\_, Parcel \_\_\_\_\_.  
Applicant's Signature \_\_\_\_\_ Owners' Signature(s) \_\_\_\_\_  
\_\_\_\_\_

Applicant's Name (print) \_\_\_\_\_ Owners' Names(s) \_\_\_\_\_

Applicant's Address \_\_\_\_\_ Owners' Address \_\_\_\_\_  
\_\_\_\_\_

Date Received by Town Clerk: \_\_\_\_\_

Signature \_\_\_\_\_

Please note: 1) An applicant for a Stormwater Management Plan Review must file with the Board a completed Stormwater Management Permit Application Form, a list of abutters, three (3) copies of the Stormwater Management Plan Package, three (3) copies of the Operation and Maintenance Plan, and the Application and Review Fees as noted in the Stormwater Management Plan Review Fee Schedule. 2) The applicant shall also file a copy of the Stormwater Management Plan, Operation & Maintenance Plan, and the Application Form with the Town Clerk. The date of receipt by the Town Clerk shall be the official filing date. 3) This application grants the Board and its agents permission to enter the property for inspection and verification of information submitted in the application.

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*STORMWATER MANAGEMENT PLAN REVIEW FEE SCHEDULE*

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The following fee schedules are minimum fees. The Board may require higher fees if deemed necessary for proper review of an application or to ensure compliance.

<u>Lot Area</u>	<u>Professional Review Fee</u>	<u>Application Fee</u>
Less Than 3 Acres	\$ _____	\$ _____
3 to 10 Acres	\$ _____	\$ _____
Greater than 10 Acres	\$ _____ times the acreage	\$ _____
Resubmittal/Amendment		
Filing Fee	\$ _____	
Review Fee	\$ _____	

**GENERAL**

1. Any application not accompanied by the appropriate fee shall be deemed incomplete. Payment must be made to The Board in cash, money order, bank or certified check payable to the Town of Clinton.
  
2. An Applicant's failure to pay any additional review or inspection fee within five business days of receipt of the notice that further fees are required shall be grounds for disapproval.

3. The Board will publish the public notice and send abutter notifications. Abutter notification shall be by certified mail-return receipt requested. The applicant shall pay all costs associated with the publication and notification requirements. These costs shall not be imposed on the applicant if the applicant completes the public notice and abutter notification requirements, and provides The Board with copies of the public notices and the return receipt cards.

Professional review fees include engineering review, legal review, and clerical fees associated with the public hearing and permit processing. A fee estimate may be provided by The Board's consulting engineer.

## **ARTICLE IX: DUTIES OF THE SCHOOL COMMITTEE**

### **SECTION 1.**

The annual report of the School Committee shall contain:

- (a) A statement showing the value of the school property held by the Town in buildings, grounds, furniture, text books and supplies.
- (b) A statement of the cost of public day and evening schools, as required by the State Board of Education
- (c) A statement of the rank of the Town in its appropriations for Schools as returned by the State Board of Education.
- (d) A report of the year's work in the schools, with such recommendations and suggestions regarding educational work as the committee deems fitting.
- (e) The school calendar for the year.
- (f) A tabulated statement of membership, attendance, and truancy in the schools.
- (g) A detailed statement of expenditures during the year.
- (h) A list of teachers and other appointees of the Board, with their salaries.
- (i) Such other information as the Board may deem advisable relative to the conduct and condition of the department; together with such recommendations as may seem proper for future conduct of the department.

## **ARTICLE X: DUTIES OF THE POLICE DEPARTMENT**

### **SECTION 1.**

The Police Department shall consist of a Chief of Police, Police Lieutenant(s), Police Sergeants(s) and such number of Police Officers as the Board of Selectmen shall deem necessary. They shall be appointed annually in the month of March by the 1<sup>st</sup> of each year.

The Selectmen shall have the right to increase or decrease the number of Police Lieutenants, Police Sergeants and Police officers from time to time as they deem necessary, and shall fix their compensation. They shall be subject to all rules and regulations and perform all duties which now are or may hereafter be prescribed by the by-laws of the Town, by the Board of Selectmen, or rules and regulations of the Police Department, and may be removed or suspended or otherwise disciplined at any time by said Board.

**(Revised at A.T. M. 2/23/54 from 1 to 3 Sergeants Art.13)**

**(Added A.T.M. 5/27/87 1 Lieutenant Art. 16)**

**(Revised A.T.M. 4/25/88 from 3 to 4 Sergeants Art. 17)**

**(Revised A.T.M. 6/2/14 from 4 to 5 Sergeants Art. 27)**

**(Revised A.T.M. 6/7/21 Article 35)**

### **SECTION 2.**

The Chief of Police shall be the head of the Police Department and subject to the general supervision and control of the Board of Selectmen, and shall have control of the department, its officers and members and of constables and special police officers when in the service of the department. He shall be responsible for the discipline and efficiency of his department and shall enforce the rules and regulation thereof. There shall be an officer assigned to duty at the station during the whole of the twenty-four hours.

He shall keep an account of all duties performed and of all absences from duty, with the causes thereof. He shall take notice of all defects and obstructions in the streets and other public places in the Town and other public places in the Town and shall take all proper measures relative thereto. He shall cause proceedings to be instituted for the prosecution or violation of the laws and by-laws. He shall devote his whole time to the duties of his office and shall have his office at the Police Station. Said station shall be open at all hours of the day and night.

### **SECTION 3.**

The Chief of Police shall have the care of the Police Station, shall have the care and custody of all property of the Town used by the department, and shall keep a full and complete record of the business of the department. He shall report monthly to the Board of Selectmen, and at such other times as may be required by

said Board, the doings of his department. He shall annually make a written report to be printed in the Annual Town Report, of the organization and condition of the department for the preceding municipal year, together with such recommendations as he may think advisable for the future conduct of the department.

#### **SECTION 4.**

The Chief of Police shall have power to temporarily relieve from duty any of his subordinates for neglect or non-performance of duty, for any act contrary to good order and discipline, or for the violation of any of the rules and regulations of the department. In such case he shall within forty-eight hours furnish to the Board of Selectmen in writing a statement of his reasons for relieving such subordinates from duty. The Selectmen shall forthwith determine the merits of the case and may temporarily suspend an officer from duty for a period not exceeding ten days. No regular officer shall be suspended for a longer period or be discharged, without a hearing, notice of which shall be given in writing seven days before.

#### **SECTION 5.**

The Chief of Police shall annually appoint a Police Matron who shall perform such duties as the Chief of Police may assign to her. Her compensation shall be fixed by the Chief of Police.

#### **SECTION 6.**

The Sergeants of Police shall be under the immediate direction of the Lieutenant of Police, who shall be under the immediate direction of the Chief of Police; the Lieutenant shall assist the Chief in his duties, and in his absence shall have and exercise all the powers and duties conferred and imposed upon the Chief of Police.

**(Added 1 Lieutenant at A.T.M. 5/27/87 Art. 16)**

#### **SECTION 7.**

The Chief of Police and each regular member of the department shall devote his entire time to the business of the department. All regular members including the Chief shall be allowed ten days vacation each year without loss of pay, the time of said vacation to be designated by the Chief.

#### **SECTION 8.**

It shall be the duty of each Police Officer patrolling a regular beat to immediately report all accidents happening on the highways patrolled by him, involving injury to persons or property. In cases which may possibly involve liability of the Town for such accidents, said officer shall make a careful investigation, securing the

names and addresses of all witnesses thereto and incorporate the same in his report to the Chief of Police, who in turn, shall make a full written report thereof to the Town Solicitor.

### **SECTION 9.**

The Board of Selectmen shall appoint such number of special officers as it may deem necessary; said special officers shall be subject to the authority of the Chief of Police and shall devote so much of their time to the service of the Town as he shall require. The amount of their compensation shall be fixed by the Board of Selectmen. They shall be paid by the hour for services actually rendered.

### **SECTION 10.**

#### Criminal History Checks for License Applicants

The Clinton Police Department is hereby authorized as provided under M.G.L. Chapter 6, Section 172B½, to conduct state and federal fingerprint based criminal history checks for applicants, including officers and owners of corporate applicants, applying for the following licenses:

- Hawking & peddling or other door-to-door salespeople
- Manager of an alcoholic beverage license
- Owner or operator of public conveyance
- Dealer of second-hand articles
- Pawn dealers
- Hackney drivers
- Ice cream truck vendor

and to adopt appropriate policies and procedures to effectuate the purposes of this by-law.

### **SECTION 11.**

#### Illegal Dumping

Whoever places, throws, deposits or discharges or whoever causes to be placed, thrown, deposited or discharged, trash, bottles or cans, refuse, rubbish, garbage, debris, scrap, waste or other material of any kind on a public highway or within 20 yards of a public highway, or on any other public land, or in or upon coastal or inland waters, as defined in Section 1 of Chapter 131 of the Massachusetts General Law, or within 20 yards of such waters, or on property of another, or on lands dedicated for open space purposes, including lands subject to conservation

restrictions and agricultural preservation restrictions as defined in Chapter 184 of the General Laws, shall be punished as follows:

(a) By the Police Department through criminal prosecution pursuant to Section 16 of Chapter 270 of the Massachusetts General Laws; or

(b) As an alternative to criminal prosecution, the Police Department may elect to utilize the non-criminal disposition procedure set forth in M.G.L. c. 40, Sec. 21D, with a \$300 penalty for each offense and with each day on which a violation exists to be deemed a separate offense.

## **SECTION 12.**

### **Peddling and Soliciting – Door-to-Door Solicitors**

#### **DEFINITIONS**

For the purpose of this article, the following words as used herein shall be considered to have the meanings herein ascribed thereto:

License – the photo identification card issued to the licensee.

Person – any individual, firm, co-partnership, corporation, company, association or joint-stock association, society, organization or league and includes any trustee, receiver, assignee, agent or other similar representative thereof, except as otherwise excluded by this article.

Premises – a building or portion of a building used for residential purposes, including the real estate upon which any such building is located, provided that the predominant use of the real estate is for residential purposes.

Solicit or Solicitation – includes any one or more of the following activities:

Seeking to sell or to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatever.

Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.

Seeking to obtain gifts or contributions of money, clothing or any other valuable item for the support or benefit of any charitable or nonprofit association, organization, corporation, group or project except as otherwise excluded by this article.

Seeking to distribute literature except as otherwise exempted.

#### **APPLICATION FOR LICENSE**

A.) Every person who engages in door-to-door solicitation for any purpose, except as otherwise excluded by this article, either as a principal or agent, shall, before commencing business in the Town of Clinton make written application under oath for a license to the Chief of Police.

## B.) Required information

Said application form will require the following information:

1. The name, permanent address and telephone number, and temporary address, if any.
2. A physical description of the applicant, setting forth the applicant's age, height, weight, color of hair and eyes.
3. The name, address and telephone number of the person, firm, association or corporation that the person represents or is employed by, or whose merchandise is being sold.
4. A brief description of the business he or she wishes to conduct and of the methods to be used in furtherance of said business.
5. The make, model and license number of any vehicle to be used by the applicant in the conduct of his/her business.
6. A statement as to whether the applicant has been convicted of any crime or ordinance violation related to any prior solicitation by the applicant within the last five years, the nature of the offense and the place of conviction.
7. A statement as to the period during which the applicant intends to carry on solicitation.

Further, the Police Chief shall not issue a license unless the above required information has been provided by the applicant or an explanation has been given for the applicant's inability to provide any of the foregoing information.

Applicants shall present to the Chief for examination a driver's license or some other proof of identity as may be reasonably required.

### **PHOTOGRAPH REQUIRED**

The applicant shall permit the Police Department of the Town of Clinton to photograph said applicant for identification purposes.

### **ISSUANCE OF LICENSE; FEE**

No later than ten (10) calendar days after filing of such application, the Chief of Police, or his designee, shall issue the applicant a license in the form of a photo identification card showing the name and address of the licensee and authorizing him or her to solicit for the purposes described in his or her application subject to the by-laws of the Town of Clinton and the laws of the Commonwealth of Massachusetts. Failure by the Chief of Police to act on an application within ten (10) calendar days shall constitute approval of said application.

The fee for such license shall be \$25, and said license shall expire one year from the date of issue, or on the day of its surrender or revocation, or on the filing of an

affidavit of its loss to the Police Department on a form approved by the Town Solicitor.

An applicant who has been a resident of the Town of Clinton for at least six months shall be exempt from the fee.

Grounds for disapproval of an application shall include but are not limited to the following:

1. Applicant has a conviction in any state or federal court of the United States or any court of a territory of the United States for any of the following named offenses committed within the last seven (7) years: burglary, breaking and entering, larceny, robbery, receiving stolen property, assault, fraud, sexual misconduct as specified in Chapter 265, Sections 13B and 22 through 24, and Chapter 272, Section 53A, of the General Laws, unlawfully carrying weapons, or the attempt of any such offense;
2. Applicant is a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as a Level 2 or Level 3 Sex Offender, as such person have been found to have a moderate to high risk of re-offense and pose a substantial degree of dangerousness to minors and other persons vulnerable to becoming victims of sex crimes; or
3. The failure to include any of the information requested in the application.

### **IDENTIFICATION CARD TO BE NONTRANSFERABLE; DISPLAY**

The photo identification card shall be nontransferable and shall entitle the licensee for the period indicated therein and for the purposes specified therein to solicit in the Town of Clinton, provided that the licensee shall have in his/her possession at all times while soliciting and shall further conspicuously display the photo identification card.

### **NOTIFICATION OF CHANGES TO POLICE**

If while the application is pending or during the term of any license granted thereon there is a change in fact, policy or method that would alter the information given in the application, the applicant or licensee, as the case may be, shall notify the Police Department in writing within 24 hours of such change.

### **LICENSE NOT TO CONSTITUTE ENDORSEMENT**

Said license does not constitute an endorsement by the Town of Clinton nor by any of its departments or officers of the purpose or of the person conducting the solicitation

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## **LICENSE NOT TO CONSTITUTE ENDORSEMENT**

Said license does not constitute an endorsement by the Town of Clinton nor by any of its departments or officers of the purpose or of the person conducting the solicitation.

## **POSTED PREMISES**

No person shall engage in solicitation upon any premises without a prior invitation from the occupant thereof if such premises is posted against such solicitation by means of a notice prominently displayed upon which is printed the legend "no solicitors" or words of similar import. For the purposes of this section, the premises shall be deemed posted against solicitation if there is exhibited, on or near the main entrance to the premises or on or near the main door to any residence located thereon, a sign at least three inches by four inches in size which bears the above legend in letters at least 1/3 inch in length.

## **PROHIBITED ACTIVITIES**

- There shall be no solicitation upon the premises, other than upon prior invitation of the occupant of any such premises, prior to 12:00 noon or after 7:00 p.m. local time of any day, and it is hereby declared unlawful and shall constitute a nuisance for any person, whether licensed under this article or not, to go upon any premises and ring the doorbell upon or near any door or create any sound in any other manner calculated to attract attention of the occupant of such residence, for the solicitation as herein defined prior to 12:00 noon or after 7:00 p.m. of any day or at any time on a Sunday or national holiday.
- No person engaged in solicitation shall, at the time of initial contact with a prospective customer or donor, fail to identify himself and the purpose of the solicitation.
- No person engaged in solicitation shall misrepresent the purpose of his solicitation or use any false, deceptive or misleading representation to induce a sale or contribution, or use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call.

- No person engaged in making a solicitation as defined in § 468-14 shall violate any of the provisions of Chapter 93A of the General Laws of Massachusetts, said chapter being entitled "Regulation of Business Practices for Consumers' Protection," the current provisions of which are hereby adopted and by reference made a part hereof.

### **CONSTITUTION OF NUISANCE**

The practice of any individual or group going in and upon private residences in the Town, not having been requested or invited to do so by the owner(s) or occupants of said private residences, for the purposes of soliciting after the owner has requested the individual to depart from the premises, either orally or in writing, is declared to constitute a nuisance under this article.

### **REVOCAION OF LICENSE**

Any license issued under the provisions of this article may be revoked by the Chief of Police of the Town of Clinton after notice and hearing for any of the following causes:

- Fraud, misrepresentation or false statement contained in the application for license;
- Fraud, misrepresentation or false statement made in the course of carrying on his/her business as solicitor;
- Any violation of this article;
- Conviction of any crime or misdemeanor involving moral turpitude; or
- Conducting the business of soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

### **NOTICE OF REVOCATION HEARING**

Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing.

### **APPEALS**

Any person aggrieved by the action of the Chief of Police in the revocation of a license shall have the right of appeal to the Board of Selectmen. Such appeal shall be taken by filing with the Board of Selectmen, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Board of Selectmen shall set a time and place for a hearing on such appeal, and prior to that

time, notice of the revocation and the right to a hearing shall be given to the licensee in writing. The decision and order of the Board of Selectmen on such an appeal shall be final and conclusive.

### **EXEMPTIONS**

A. The provisions of this article shall not apply to children 14 years old or younger who solicit under the supervision of an adult who shall be at least 18 years old and to whom the provisions of this article shall apply.

B. The provisions of this article shall not apply to any person delivering newspapers, fuel, dairy products or bakery or other foodstuffs to regular customers on established routes in the Town of Clinton.

C. The provisions of this article shall not apply to route salesmen or other persons having established customers to whom they make periodic deliveries and who may from time to time call upon prospective customers along their regular service route to solicit an order for future periodic route deliveries.

### **SECTION 13.**

#### **Public Consumption or Use of Marijuana or Tetrahydrocannabinol**

No person shall consume or use marijuana or products containing marijuana or Tetrahydrocannabinol for non-medical purposes on, in or upon any public way or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, including, but not limited to, parks and or playgrounds.

No person shall use or consume marijuana or products containing marijuana or Tetrahydrocannabinol for non-medical purposes on town owned property or within town owned buildings to which the public has a right of access. No person shall use or consume any marijuana or products containing marijuana or Tetrahydrocannabinol for non-medical purposes at any event or function, be that event or function public or private, held on town property or within town owned buildings.

Any person who violates this section shall be punishable by a fine of three hundred dollars (\$300.00) for each such violation.

Any person upon whom is imposed a fine pursuant to this bylaw shall have the right to appeal the imposition of such fine in a non-criminal proceeding under Chapter 40, §21D by making a written request within twenty-one (21) days to the Clerk Magistrate for the Clinton District Court.

All marijuana being used in violation of this section shall be seized and safely held by the Clinton Police Department. If no appeal is filed, the seized marijuana shall be forfeited and destroyed pursuant to Clinton Police Department procedures. If an appeal is filed, the seized marijuana will be held by the Clinton Police Department pending final adjudication of such appeal.

The Clinton Police Department shall be the enforcing authority of this section.

## **ARTICLE XI: DUTIES OF THE FIRE DEPARTMENT**

### **SECTION 1.**

Repeal in its entirety Article XI of the By-Laws of the Town of Clinton, said Article XI pertaining to the function and duties of the Board of Fire Engineers. (Added at S.T.M. 09/08/73 Art. 2)

### **SECTION 2.**

Adopt, as a Town By-Law, the 1970 Edition of the Fire Prevention Code recommended by the American Insurance Association, copies of which are on file with the Town Clerk and that:

- (a) Said code is to be enforced by the Chief of the Fire Department.
- (b) Wherever the word "Municipality" is used in the code, it shall be held to mean the Town of Clinton. The phrase "Bureau of Fire Prevention" shall refer to the Clinton Fire Department.
- (c) The limits referred to in section 12.56 of the code in which storage of explosives and blasting agents is prohibited, the limits referred to in section 16.22a in which storage of flammable liquids in outside aboveground tanks is prohibited, and the limits referred to in section 21.6A of the code in which bulk storage of liquefied petroleum gas is restricted shall comprise all areas within the area bounded as follows: on the west by the Boston and Maine Railroad line; on the north by Allen St. and extensions of its centerline; on the east by a line running along the Nashua River from the extension of Allen St. to the New Haven & Hartford R.R. line, and thence along that railroad line to an extension of the centerline of Chestnut St., and thence along Chestnut St. to the Nashua River, and thence along the Nashua River to the Lancaster Mill

Pond; and on the south by a line running perpendicular to Grove St. from the Lancaster Mill Pond to a point on Grove St. 200 feet south of its intersection with Nashua St., and thence by a straight line to the intersection of Richman Court and Summit St., and thence along Summit St. and its extension to ever, nothing herein shall be construed to permit storage otherwise prohibited under the zoning by-law or under regulations by the Board of Fire Prevention Regulations under Chapter 148, G.L.

(d) The Chief of the Fire Department may grant variances from the provisions of this by-law where peculiar circumstances render meeting it a hardship, provided that the intent of the by-law is observed, public safety secured, and substantial justice done.

(e) Any person, firm or corporation who violates or refuses to comply with any of the provisions of this by-law may, upon conviction, be fined not more than fifty dollars for each offense. Each day that such violation continues shall constitute a separate offense.

**(Added at S.T.M. 09/08/73 Art. 7)**

## **Truss Construction Identification of Residential, Commercial and Industrial Buildings**

### **Section 1.0 Introduction:**

1.1 This bylaw provides that residential, commercial and industrial buildings that utilize truss type construction shall be marked by an emblem that informs persons conducting fire control and other emergency operations of the existence of truss construction.

### **Section 2.0 Definitions:**

2.1 For the purpose of this bylaw, residential, commercial and industrial buildings and structures shall mean those buildings and structures classified as such by the Clinton Building Inspector using the classification system found in 780 CMR (The Massachusetts State Building Code) or its successors.

2.2 For the purpose of this bylaw, truss construction shall mean a fabricated structure of wood, steel or combination thereof, made up of a series of members connected at their ends to form a series of triangles to span a distance greater than would be possible with any of the individual members on their own. Truss type construction shall not include:

a. Individual wind or seismic bracing components which form triangles when diagonally connected to the main structure system.

### **Section 3.0 Enforcement:**

3.1 The Fire Chief or his or her designee shall be responsible for ensuring the proper placement of emblems on buildings or structures covered by this bylaw. The Clinton Building Inspector shall only release certificates of occupancy to those new structures found to be in compliance with the requirements of this bylaw.

3.2 All multi-family residential buildings and all commercial and industrial businesses in operation at the time this bylaw takes effect shall be required to have an emblem or emblems placed in the locations identified by the Fire Chief within six months of the passage of this bylaw. All existing one and two family dwellings shall allow for the placement of this identifying emblem when undergoing additions or alterations or when such construction type is identified.

3.3 All new construction or transfer of ownership of buildings, whether residential, commercial or industrial, shall comply with the requirements of this bylaw.

3.4 Any person who fails to permit the posting of a structure as set forth in this bylaw, or who removes or willingly obstructs from view the fire official's designated posting, shall be punished by a fine not exceeding fifty dollars (\$50.00) for each offense. Every day that a violation continues after its abatement has been ordered by the Town and sufficient time has elapsed to permit abatement shall constitute a new offense.

3.5 The emblems will be made available by the Clinton Fire Department at a cost to the building owner or manager.

### **Section 4.0 Emblems:**

4.1 The shape of the emblem shall be square measuring 9"X9" engineered grade aluminum. The emblem background shall be reflective white in color. The Maltese cross and contents shall be reflective red in color.

### **Section 5.0 Truss Designations:**

5.1 The following letters shall be printed on the emblem identifying the existence of truss construction using the alphabetic designation for the structural components that are of truss construction, as follows:

“F” shall mean floor framing, including girders and beams

“R” shall mean roof framing

"FR" shall mean floor and roof framing

**Section 6.0 Emblem Locations:**

6.1· Emblems identifying the existence of truss construction shall be permanently affixed in the locations directed and in a manner approved by the Fire Chief.

6.2 Table #1 below shall be used as an emblem location guide for fire officials. Every effort is to be made as to not interfere with advertising or graphic designs located on the doors, windows or face of the buildings covered by this bylaw.

TABLE #1  
TRUSS IDENTIFICATION SIGN LOCATIONS

For 1 and 2 family Dwellings: The emblem shall be affixed to the electrical meter socket. If the electric meter is located inside the dwelling, the emblem shall be affixed to the natural gas meter if so equipped. If neither location is available additional locations shall follow the guidelines established for multi-unit apartment buildings and commercial and industrial buildings.

Multi-unit apartment buildings, commercial and industrial buildings: Exterior building entrance doors, exterior exit discharge doors, and exterior roof access doors to a stairway, attached to all main means of egress at the door or sidelight, or directly on the street side of the building.

Fire department hose connections: Attached to the face of the building, not more than 12 inches (305 mm) horizontally from the center line of the fire department hose connection, and not less than 42 inches (1067 mm) nor more than 60 inches (1524 mm) above the adjoining walking surface.

**ARTICLE XII: DUTIES OF THE LAW COMMITTEE AND TOWN SOLICITOR**

**SECTION 1.**

The Chairman of the Selectmen, Assessors, School Committee, Board of Health, Police Chief, Superintendent of the D.P.W. and Town Treasurer shall comprise the Law Committee.

## **SECTION 2.**

The Chairman of the Selectmen shall call all meetings of the Law Committee, and shall give notice thereof in writing to all members of said committee, at least seven (7) days before said meeting.

## **SECTION 3.**

The Law Committee shall have authority to prosecute, defend, and compromise, through the Town Solicitor, all litigation to which the Town is a party, and to employ special counsel whenever in their judgment necessity therefore arises.

## **SECTION 4.**

The Town Solicitor shall be elected by the voters at the Annual Town elections for a term of three years. The Law Committee shall have the authority to fill the unexpired term of the Town Solicitor whenever a vacancy shall occur.

**(Revised at S.T.M. 7/9/23 Art. 17 from appointment by law committee to elected one year term)**

**(Revised at A.T.M. 2/26/62 Art. 8 changed to three year term)**

## **SECTION 5.**

The Town Solicitor shall draft all bonds, deeds, leases, obligations, conveyances, and other legal documents, and do every professional act which may be required of him by vote of the Town or any Board of Town Officers. Also, when required by said boards or any committee of the Town, he shall furnish a written opinion on any legal question that may be submitted to him in regard to any matter which concerns the Board or committee requesting the opinion, and he shall at all times furnish legal advice to any officer of the Town who may require his opinion upon any subject concerning the duties incumbent upon such officer by virtue of his office.

## **SECTION 6.**

He shall prosecute all suits ordered to be brought by the Town, and shall appear before any court in the commonwealth in defense of all actions or suits brought against the town or its officers in their official capacity. He shall try any and all cases in law or equity, in this Commonwealth, or before any board of referees or commissioners.

## **SECTION 7.**

A member of the Law Committee, to be selected by the committee, shall attend court when a case to which the Town is a party is to be tried. The

Town Solicitor shall not make final settlement of any litigation to which the Town is a party, unless he has been duly authorized to do so by a vote of the Law Committee who is in attendance at court when the case is on trial.

#### **SECTION 8.**

Immediately upon being notified by the Chief of Police or Superintendent of Public Works, or upon the receipt of notice from any other source, of injury to person or property under circumstances which may give rise to a claim for damages against the Town, the Town Solicitor shall make a careful and complete investigation of all the facts relative thereto, and in case of injuries to a person, he shall, if it seems practicable, immediately cause a physical examination of the injured person to be made by the Town Physician and such further examination as he see fit. Within ten days after the claim for damages for any cause has been received by the Town Solicitor, he shall make a written report to the Law Committee of the nature and circumstances of the claim, together with such recommendations regarding the same as he deems advisable.

#### **SECTION 9.**

The Town Solicitor shall prosecute in the local district court all cases for the violation of the by-laws of the Town.

#### **SECTION 10.**

He shall annually make a written report to the Law Committee, to be printed in the Annual Town Report, concerning the professional services rendered by him during the preceding year; said report shall contain a statement of each case which has been settled, tried, or otherwise disposed of by him during the year; and also a statement of each case which is still pending and the status of the same, together with such other information and recommendation as he may deem advisable.

**(Sections 1 thru 10 revised at S.T.M. 11/13/89 Art. 14)**

### **ARTICLE XIII: DUTIES OF THE TOWN PHYSICIAN**

#### **SECTION 1.**

The Board of Health, shall annually in June choose a Town Physician, who shall serve for a term of one year, commencing July 1, or until election and acceptance of his successor.

## **SECTION 2.**

The Town Physician shall, under the direction of the Board of Health, visit and prescribe for the sick poor within the Town of Clinton; he shall vaccinate, free of charge, all school children who may be sent to him by the School Department, and all persons sent by the Board of Health for that purpose; he shall when requested by the Selectmen, Chief of Police, or officer in charge of the police station, attend prisoners who require medical attention or surgical treatment; he shall, when requested by the agent for Veterans services, visit and prescribe for persons receiving veterans services; he shall, if practicable, when requested by the Town Solicitor, within twenty-four hours after such requests, make a careful physical examination of any injured person who has made or may make a claim for damages against the Town for said injury, and shall make a further examinations as the Town Solicitor may from time to time require; he shall keep a record of each of such cases in a book kept for that purpose, and shall, after each physical examination as herein provided, furnish to the Town Solicitor a written report of the result of such examination; he shall perform all such professional services as may reasonably be required of him by the Board of Health for protection of the Town, or the welfare of those he is legally bound to assist. He shall give to any town board or officer any such professional advice pertaining to town business as it or he may require.

## **SECTION 3.**

The Town physician shall, in the case of intended absence from the Town for more than twenty-four hours, notify the chairman of the Board of Health of said purpose, and shall provide at his own expense a substitute physician.

## **SECTION 4.**

He shall receive such salary as may be fixed by the board appointing him, together with reimbursement for the actual cost of medicines, vaccine, etc, furnished by him to persons treated by him in his official capacity as Town Physician.

## **SECTION 5.**

He shall annually make a written report to the Board of Health, to be printed in the Annual Town Report, concerning the professional services rendered by him during the preceding year, together with such other information and recommendations as he may deem proper.

## **ARTICLE XIV: FREE PUBLIC LIBRARY TRUSTEES**

### **SECTION 1: BOARD OF LIBRARY TRUSTEES**

The Board shall be composed of six members, two of whom shall be elected each year at the Annual Town Elections as provided for in M.G.L., Chapter 78, Section 10. Trustees shall serve without compensation for a term of three years.

### **SECTION 2: BOARD RESPONSIBILITIES**

The Board shall have those responsibilities as provided herein and in M.G.L., Chapter 78, Section 11 regarding the custody and management of the Library and property owned by the Town pertaining to the Library. The Board shall be responsible for all monies appropriated by the Town for the Library and all money or property received by the Town by gift or bequest for the Library.

The Board shall establish written policies governing library use, activities, and services, including a policy for the selection of library materials and the use of library materials and facilities in accordance with the current standards of the American Library Association as provided in M.G.L., Chapter 78, Section 33.

The Board shall act as an advocate for the Library in the community and beyond. The Board shall study and support legislation that benefits the Library and the larger library community of which it is a part.

The Board shall appoint a qualified Library Director who shall be the executive and administrative officer of the Library under the supervision, review and direction of the Board. Responsibilities delegated by the Board to the Library Director, who shall attend all Board meetings, shall include implementation of policies approved by the Board, selection and supervision of library personnel, selection of books and other materials, maintenance of library collections, expenditure of funds within the approved budget, direction of library operations and provision of services to the public. The Library Director shall provide the Board with an annual Library report to be included in the Annual Town Report.

### **SECTION 3: TOWN APPROPRIATED MONEY**

The Town of Clinton shall annually appropriate and expend money for the support, care, and maintenance of the Bigelow Free Public Library and the services it provides to the community. (Amended A.T.M 06/03/19)

## **ARTICLE XV: SEALER OF WEIGHTS AND MEASURES**

### **SECTION 1.**

The sealer of Weights and Measure shall be paid by salary, and he shall account for and pay into the treasury of the Town the fees received by him by virtue of his office. His salary shall be fixed by the Selectmen.

### **SECTION 2.**

The Sealer of Weights and Measures shall be appointed by the Selectmen for a term of three (3) years.

### **SECTION 3.**

The duties of the office shall be to enforce the rules and regulations of the Commonwealth of Massachusetts, and other applicable local ordinances in regard to measuring devices.

### **SECTION 4.**

A complete and accurate report of all Department activity shall be submitted annually to the Board of Selectmen, for publication in the Town's Annual Report.

## **ARTICLE XVI: WOODLAWN CEMETERY**

### **SECTION 1.**

The maintenance and care of the Woodlawn Cemetery became the responsibility of the Department of Public Works, when the DPW was established by Town vote to accept Chapter 166, of the Acts of 1963.

## **ARTICLE XVII: TOWN BOARDS AND OFFICERS IN GENERAL**

### **SECTION 1.**

No contract involving the creation of an obligation against the Town exceeding the one hundred dollars shall at any time be made, except by the vote of the committee or board, or sub-committee of said committee or board, thereunto duly authorized, having supervision of the department to which the same relates. Such vote shall be recorded on the records of each department, and shall at all times be open to the inspection of the Finance Committee.

## **SECTION 2.**

No contract for labor, or for labor and materials, involving the creation of an obligation against the Town exceeding the sum of five hundred dollars, shall be binding upon the Town, unless it is in writing and it is signed by at least a majority of the entire board or committee in charge of the work on the part of the Town. Every such contract shall be accompanied by a suitable bond, with sureties, for the faithful performance of the same, or by the deposit of money or security in lieu of such bond.

## **SECTION 3.**

No board or officer shall make any contract in behalf of the Town, the execution of which shall necessarily extend beyond one year from the date thereof, unless special permission to do so has been given by vote of the town.

## **SECTION 4.**

In every contract entered into on behalf of the Town, involving the employment of mechanics or laborers, by a contractor, a provision shall be inserted to the effect that the board or other authority making such contract, may if it deems it expedient to do so, retain for thirty-five days after the completion of the work under the contract out of any amounts due to such contractor sums sufficient to cover any unpaid claims of mechanics or laborers for work, labor or materials, performed, furnished or used, under such contract.

## **SECTION 5.**

No Town board, officer or committee, except as otherwise provided by law, shall, in behalf, make any contract for labor, materials or other expenditures for which no appropriation shall have been made at the time of the contract.

## **SECTION 6.**

The Annual Report of all Town Boards, officers and committees shall include a list and amounts thereof of all unpaid bills.

## **SECTION 7.**

All Town boards, officers and committees shall file with the Selectmen their annual reports on or before January 20<sup>th</sup> of each year.

(Revised from Feb. 1 to Jan 20 at STM 11/23/31 Art. 6)

## **SECTION 8.**

All Town officers, boards and committees shall have their annual financial reports audited by the Town Accountant before the same are delivered to the Board of Selectmen.

## **SECTION 9.**

No board or officer of the Town of Clinton, elective or appointive, nor any committee or member thereof, nor any agent or employee of such member, shall directly or of public money, the purchase of materials or supplies, indirectly be interested in any contract with the Town for employment of of labor, expenditure the construction, alternation or repair of any public works or other property belonging to the Town, nor the care, custody or management thereof if said board, committee or member is anywise entrusted or charged with any duty or authority in connection therewith, except that where competitive bids are called for, for the employment of such labor or purchase of materials or supplies as are herein provided, any member or person may submit a bid and may be awarded the contract if his be the lowest submitted.

## **ARTICLE XVIII: STREETS AND SIDEWALKS (Revised & Renumbered at ATM 3/17/24)**

### **SECTION 1.**

No person shall tie a horse to any shade tree bordering on the public highway.

### **SECTION 2.**

No person shall establish or maintain any shade or awning over any part of a sidewalk, street or highway, unless the same be securely and safely supported and unless the lowest part thereof be not less than seven feet above such sidewalk, street or highway.

### **SECTION 3.**

No person shall erect, set up or maintain any fence, portico, platform or doorstep extending into or onto any sidewalk, street or highway; and no person shall hoist any article or material from any street or sidewalk into any building or on to any premises adjoining the same so that said article or material by being hoisted shall overhang any part of the street or sidewalk, without first obtaining a permit from the Chief of Police to do the same. The Chief of Police may revoke any such permit at any time if in his opinion the apparatus used for that purpose or the manner of doing the same is unsafe.

#### **SECTION 4.**

No person shall establish or maintain over any sidewalk, street or highway, any sign, signboard or advertising device without a permit from the Board of Selectman, but no such permit shall be issued for a sign to extend more than two feet out over the sidewalk, excepting flags or banners; and no person shall fix such sign or device to any tree, tree guard, post pole or other object within the limits of such sidewalk, street or highway. Permits granted under the provisions of this section maybe revoke at any time by said Board.

#### **SECTION 5.**

No person shall place or cause to be placed upon any public sidewalk, street or highway within the Town, without a written permit from the Department of Public Works, any wood, lumber, iron, coal, trunk, bale, box, crate, cask, barrel or other thing, nor suffer the same to remain thereon for more than one hour after being notified by a police officer to remove the same.

#### **SECTION 6.**

No person, by himself or his agents or servants, shall distribute or place in or upon any street, square, park, common, lane, alley, way or other public place, any placard, handbill, flyer, poster, advertisement or paper of any description, except that such paper maybe placed within the doors of stores, offices and business houses and at the doors of residences.

#### **SECTION 7.**

No person shall suffer horses or grazing beasts or swine to run at large in the Town; or to feed within the limits of the highway in the thickly settled parts of the Town; or to feed within the limits of the highway in any part of the Town, unless securely tied.

#### **SECTION 8.**

No person shall throw stones, snowballs, sticks or other missiles, or kick football, or play at any game in which a ball is used, or fly kites or balloons, or shoot with an air-gun, bow and arrow, sling shot or other similar device, in or across any of the public ways of the Town.

#### **SECTION 9.**

No person shall address or accost another with any indecent or profane language in a street or other public place in the Town.

## **SECTION 10.**

No person shall willfully or negligently obstruct the free passage of foot-travelers on any sidewalk, nor shall any person loaf upon any sidewalk or in any street or public way of the Town.

## **SECTION 11.**

No person shall break or dig up any sidewalk, street or highway, or place thereon any staging or other temporary structure, or move any building into or along the same without a written permit from the Department of Public Works or the board having charge of the streets in such cases. Any person having such a permit, shall, before the expiration of the same, restore the sidewalk, street or highway to its original condition or to a condition satisfactory to such Board. Any permit issued under the provisions of this section shall be in force for such time as the Board may specify and shall be subject to such other conditions as the Board may prescribe, and especially in every case upon condition that during the whole of every night from sunset to sunrise, lighted lanterns and proper barriers shall be so placed as to secure travelers from danger. No person having obtained such a permit shall fail to comply with the conditions thereof. The Board granting such permit shall have the right to revoke the same at any time and may require a bond either before the commencement of work or during its progress, to ensure the proper performance.

### **(Sentence added)**

Where the development of a Priority Development Site (PDS), as defined by Section 10000 of the Zoning By-Laws, requires a permit hereunder, an application thereof shall be submitted simultaneously with any other permit application(s) required by the Zoning or Administrative By-Laws relating to the use or development of the PDS, or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43 D, and a decision thereon shall be rendered no later than thirty (30) days from the date of submission of a complete application.

## **SECTION 12.**

No owner or tenant of land abutting upon brick, concrete or other curbed or finished sidewalks, shall place, or suffer to remain for more than five hours between sunrise and sunset, any snow upon such sidewalk, nor any ice upon such sidewalk, unless such ice is made even and covered with sand or ashes, to prevent slipping. Such snow and ice may be removed from the sidewalk to the street, provided, however, that the same is made even at the time of removal. Any

violation of the provisions of this section shall be punished by a fine of not more than ten dollars.

**SECTION 13.**

No person shall coast upon or across any sidewalk or street of the Town, except at such times and in such places as from time to time be designated by the Department of Public Works.

**SECTION 14.**

No person shall knowingly suffer or permit any water or other liquid substance to run or be discharged from any building owned by him or under his control, on to or across any curbed or finished sidewalk; except that any person may wash with water from hose or pipe any windows or parts of a store or other building before ten (10) o'clock A.M. and after nine-thirty (9:30) o'clock P.M.

**SECTION 15.**

No person shall write, paint, print, or otherwise inscribe any notice, advertisement, word, figures or pictures on any of the public sidewalks of the Town, except the advertisements of school activities, nor upon any fence or wall adjoining the same, without the consent of the owner thereof.

**SECTION 16.**

No person shall fire or discharge any gun, pistol or other firearms in or across any of the streets or public places within the Town; but this section shall not apply to the use of such weapons in the lawful defense of one's person, family or property or in performance of any duty required or authorized by law, nor upon such days as maybe designated by the Board of Selectman.

**SECTION 17.**

No person shall throw or place or cause to be thrown or placed upon any street or highway of the Town, any nails, spikes, screws, glass, tin cans or other similar articles.

**SECTION 18.**

No person shall in any way injure any of the drinking fountains or water troughs in the streets and public places of the Town, nor throw or place any substance in the same which will tend to pollute water therein.

**SECTION 19.**

No person shall walk, stand or lounge upon any portion of any street or public grounds of the Town devoted to the growing of grass or flowers, nor in any way dig, or injure or deface the same.

**SECTION 20.**

No person shall injure, deface or destroy any street sign, guide board, lamp-post, lamp or lantern thereon, nor any tree, building, fence, post or other thing set, erected or made for the use or ornament of the Town.

**SECTION 21.**

No person shall suffer a platform, or grate of an entrance, or opening to a cellar or basement in any street or sidewalk to rise above the surface of any such street or sidewalk, and every such entrance or opening shall at all times be covered by a suitable platform or grate, and in case of a coal hole, by a suitable covering; such entrances or openings when in use, shall be properly guarded in a manner subject to the approval of the Department of Public Works.

**SECTION 22.**

No person shall throw or place upon any sidewalk or street crossing, any banana skin, orange skin or other slippery substance.

**SECTION 23.**

No owner or person having the care of a building abutting upon any brick, concrete or other curbed or finished sidewalk, the roof of which building slants toward such sidewalk, shall permit such building to be without a barrier, snow-guard or other device to prevent the falling of snow or ice from such roof to the sidewalk.

**SECTION 24.**

No person shall ride, drive or cause to be driven any horse or vehicle over that part of any street which is being mended, repaired or paved, if a watchman or signs are placed prohibiting the same.

**SECTION 25.**

All petitions from corporations or individuals for permission to erect poles in the public ways of the Town shall state therein a description of the location prayed for and be accompanied proper plans, on which shall be defined said locations, together with the location of all buildings located adjacent to the highway, also all poles which may be standing on said way, defining the ownership thereof, and all shade trees and hydrants if such there be, within a space of three hundred feet of

the location desired in either direction on said way. Said plan shall show a section of the way in the manner defined of sufficient length to give general information in regard to the conditions in the street.

#### **SECTION 25A.**

It shall be unlawful for any person to remove any materials, designated as recyclable by the Board of Selectmen, from the curbside in the Town unless prior authorization is received from the Board of Selectmen. Violation of said By-Law shall be punishable by a fine of up to one hundred dollars (**\$100.00**) **per household curbside theft of a recyclable set out.**

**(25A Added at S.T.M. 02/12/96 Art. 17)**

#### **SECTION 26.**

Any person violating any of the provisions of this article shall be liable to a fine of not more than twenty dollars, unless otherwise specifically provided herein.

#### **SECTION 27.**

The Owner of a vehicle or person in whose name it is registered shall not allow, permit or suffer such vehicle to stand or park in any street, way, highway or parkway under the control of the Town in such manner as to interfere with the work of removing or plowing snow or removing ice. For the purpose of removing or plowing snow, or removing ice from any public way in the Town, the Superintendent of Streets may remove, or cause to be removed, to some convenient place or to a municipal or public garage, any vehicle parked in such a manner as to interfere with such work. The cost of the removal of any such vehicle, and the storage charges, if any, resulting therefrom, shall be imposed upon the owner of such vehicle.

**(Added at A.T.M. 02/27/61 Art. 16)**

#### **SECTION 28.**

No person shall erect, affix, establish or maintain any political sign or advertisement on public property.

**(Added at A.T.M. 02/27/73 Art. 20)**

#### **SECTION 29.**

No vehicles shall park or stand on such ways or portions thereof, and these ways are as follows:

1. The sidewalks on High St. from the corner of High and Union streets to the Lancaster Town Line;
2. The sidewalks on Oak St. from James St. to Boylston St.;

3. The sidewalks on Church St. from Main St. to Cedar St.;
4. The sidewalks on Brook St. from High St. to Sterling St.;
5. The sidewalks on Cameron St. in its entirety;
6. The sidewalks on Sterling St. in its entirety to the Lancaster Line;
7. The sidewalks on Berlin St. from Oak St. to the Berlin Town Line;
8. The sidewalks on Chestnut St. beginning on Boylston St. to Water St.;
9. The sidewalks on Water St. from Main St. to the corner of Vale St.;
10. The sidewalks on Main St. from Clinton Middle School to Clinton-Lancaster Town Line;
11. The sidewalks on Forest St. from Brook St. to Plain St.

**(Added at A.T.M. 04/28/81 Art. 20)**

### **SECTION 30.**

No person other than an employee in the service of the Town of Clinton, or an employee in the service of an independent contractor acting for the Town, shall pile, push, plow or blow snow or ice onto or across a public way as to obstruct the operation of any fire hydrant. Whoever violates this by-law shall be punished by a fine of not more than one hundred and fifty dollars (\$150.00).

**(Added at S.T.M. 02/26/96 Art. 1)**

## **ARTICLE XIX: ERECTION, ALTERATION OR RENOVATION OF BUILDINGS**

### **SECTION 1.**

All building construction, alteration or repair shall be in conformance with the latest edition of the State Building Code.

**(Revised A.T.M. 5/3/89 Art. 13)**

### **SECTION 2.**

Building Inspector, The Board of Selectmen shall annually, following the Town elections, appoint a permanent, full time Inspector of Buildings who shall hold office for the term of one year or until such time as his successor is appointed. The Inspector of Buildings shall be the head of the Department of Inspection. The Inspector of Buildings shall keep consolidated records of all inspections made pursuant to the Basic Code or any other By-laws or regulations concerning the erection, alteration and demolition of buildings within the Town. The compensation of the Inspector of Buildings shall be as established by the Selectmen.

**(Added Building Inspector 04/28/75 A.T.M. Art. 20)**

**(Revised to require Full-time Inspector 04/29/85 A.T.M. Art. 31)**  
**(Revised Building Inspector to a permanent Inspector of Buildings 5/1/91**  
**A.T.M. Art. 3)**

**SECTION 3.**

Permit Fees. A schedule of fees for permits as authorized under Section 118.0 of the Basic Code shall be as established and revised from time to time by the Board of Selectmen.

**SECTION 4.**

A Permanent Building committee consisting of seven (7) appointed members and two ex officio members (Town Administrator and Superintendent of Schools) shall oversee all construction, maintenance or renovation projects of Town buildings and property having a project cost of at least \$50,000.00

**(Added ATM 6/3/13 Article 12)**

**SECTION 5.**

Appointed members of the Permanent Building Committee shall be appointed by the Town Moderator and serve for a term of three years.

**(Added at ATM 06/03/2013 Art. 12)**

**ARTICLE XX: HACKNEY CARRIAGES AND VEHICLES**

**SECTION 1.**

The Board of Selectmen may license suitable persons to set up and use hackney carriages for the conveyance of passengers for hire, within the Town of Clinton. All persons engaging in the business of conveying passengers for hire within the Town shall take out such number of hackney licenses as shall equal the greatest number of such vehicles to be used at any one time, by said person, during the year for which the license is issued. Every horse-drawn or motor vehicle, except street railway cars, which shall be regularly or commonly used for the conveyance of passengers for hire within the Town, shall be deemed to be a hackney carriage within the meaning of the By-laws.

**SECTION 2.**

No person shall drive, or cause to be driven, within the Town, any vehicles included in the foregoing section for the purposes specified therein, without a license or licenses as specified in Section 1 of this article.

**SECTION 3.**

Every person holding a hackney license, shall have marked or attached in a conspicuous place on the outside of the conveyance used under said license, and upon each side thereof, the number of the license in plain, Arabic figures of not less than two inches in height, and so that the same may be distinctly seen.

**SECTION 4.**

No person holding a license under the provisions of this article shall employ or permit any person under the age of seventeen years to drive or operate any conveyance under such license.

**SECTION 5.**

No person having charge of, or driving, or operating any hackney carriage shall, knowingly, receive or permit to be placed therein or convey in or upon the same, any person sick with any contagious disease, without subsequently and before the occupancy or conveyance of other persons, having such conveyance properly fumigated to the satisfaction of the Board of Health.

**SECTION 6.**

No person, other than the holder of a hackney license, his agents or employees, shall solicit passengers for hire in any public way or place within the Town.

**SECTION 7.**

All licenses granted as aforesaid shall expire on the first day of May next after the date thereof, and may be revoked at the pleasure of the Board of Selectmen. No license granted under this article shall be sold, assigned or transferred.

**SECTION 8.**

All licenses granted under the provisions of this article shall be subject to the provisions of Article XVIII of these by-laws.

**SECTION 9.**

The Clerk of the Board of Selectman shall notify the Town Clerk of all licenses granted under the provisions of this article, and the Town Clerk shall sign and issue the same on payment of the fee prescribed.

**SECTION 10.**

The fee for a license under the provisions of this article, shall be five dollars for each vehicle, payable to the Town Clerk, for the use of the Town.

### **SECTION 11.**

Every person violating any of the provisions of this article shall be subject to a fine of not more than ten dollars for each offense.

### **SECTION 12.**

Rules and regulations covering the operation of Motor Boats in the Town of Clinton.

**Rule 1.** – No person shall operate a motor-driven boat on any lake, pond or river in the Town of Clinton at such speed or in such a manner as to endanger the lives and safety of others or the property of others or in such a manner as to cause danger of collision with other watercraft or in such a manner as to create excessive wash or wake so as to interfere with the operation and safety of other watercraft, endanger bathers or damage property.

**Rule 2.** – No person shall operate a motor-driven boat equipped with a motor of more than five horsepower on any lake, pond or river in the Town of Clinton except when authorized by the Chief of Police, upon refusal of special permission from the Chief of Police, the person can appeal the decision to the Board of Selectmen.

**Rule 3.** – The above rules and regulations are to be enforced by authorized police officials of the Town of Clinton, and the violation of the above rules and regulations shall, for each offence be punished by a fine, of not more than (\$20.00) twenty dollars.

**(Section 12 added at A.T.M. 02/27/56 Art. 10)**

## **ARTICLE XXI: DEALERS IN JUNK AND KEEPERS OF JUNKSHOPS**

### **SECTION 1.**

The Selectmen may license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals, or second hand articles; and no person shall be a dealer in or keeper of a shop as aforesaid without such a license, and no person, under such a license, or on the licensed premises shall purchase, barter, sell or offer for sale any new or unused or unworn article or material.

### **SECTION 2.**

Every person so licensed shall keep a book in which shall be written, at the time of every purchase of any such article, a description thereof, and the name, age and

residence of the person from whom, and the day and hour when such purchase was made; and such book shall at all times be open to the inspection of the Selectmen, and the inspection of any person by them authorized thereto.

### **SECTION 3.**

Every person so licensed shall put in a conspicuous and suitable place on his shop a sign having his name and occupation legibly inscribed thereon in large letters; and he shall at all times allow his shop and premises and all articles of merchandise therein to be examined by the Selectmen, or by any person by them authorized to make such examination; and he shall comply forthwith with all directions and requirements of the Selectmen and the Board of Health with respect to the appearance and sanitation of the articles on said premises.

### **SECTION 4.**

No person so licensed shall directly or indirectly, either purchase or receive by way of barter or exchange any of the articles aforesaid, except rags and bottles, of a minor or apprentice, knowing or having reason to believe him to be such.

### **SECTION 5.**

No person so licensed shall sell or permit to be sold any article purchased or received by him until at least thirty days from the date of its purchase or receipt have elapsed.

### **SECTION 6.**

All licenses granted under this article shall expire on April 30 of each year, and may be revoked by the Selectmen at their pleasure.

### **SECTION 7.**

All licenses granted under this article shall state the location of the premises upon which it is to be exercised, and there shall be printed thereon a copy of this article, and said licenses shall be subject to all By-laws of the Town or regulations of the Selectmen now relating thereto, or hereafter to be enacted or made.

### **SECTION 8.**

Whoever, not being licensed as herein provided, keeps such a shop or is such a dealer, or being licensed, keeps such a shop or is such a dealer in any other place or manner than that designated in his license, shall forfeit twenty dollars for each offence; and whoever violates any other provision of this article, or any regulation or restriction contained in his license, shall forfeit not more than twenty dollars for each offence.

## **ARTICLE XXII: JUNK COLLECTORS**

### **SECTION 1.**

The Selectmen may license suitable persons as junk collectors, to collect, by purchase or otherwise, junk, old metals and second-hand articles from place to place in the Town; and no person shall engage in the business of collecting junk, old metals or second-hand articles without such license.

### **SECTION 2.**

The Selectmen may require that such collectors and persons acting as their employees or agents, shall display badges upon their persons or vehicles, or upon both, when engaged in collecting, transporting or dealing in junk, old metals or second-hand articles; and may prescribe the design of such badge.

### **SECTION 3.**

The Selectmen may require that any place, vehicle or receptacle used for the collecting or keeping of the articles aforesaid, may be examined at all times by the Selectmen or by any person by them authorized to make such examination.

### **SECTION 4.**

No person licensed as a junk collector shall, directly or indirectly, either purchase or receive by way of barter or exchange any of the articles aforesaid, except rags or bottles, of a minor or apprentice, knowing or having reason to believe him to be such.

### **SECTION 5.**

All licenses granted under the provisions of this article shall expire on April 30<sup>th</sup> of each year and may be revoked by the Selectmen at their pleasure.

### **SECTION 6.**

Whoever, not being licensed as a junk collector, collects junk in violation of the provisions of Section 1 of this article, shall forfeit twenty dollars; whoever, being licensed, violates any of the provisions of this article, or any rule, regulation or restriction contained in his license, or any requirement of the Board of Selectmen made in accordance with the provisions of this article, shall forfeit not more than twenty dollars for each offence.

## **SECTION 7.**

Every license issued under the provisions of this article shall bear a copy of the provisions of this article, and of all requirements of the Selectmen made in accordance herewith.

## **ARTICLE XXIII: PAWN BROKERS**

### **SECTION 1.**

The Board of Selectmen may license suitable persons to carry on the business of pawnbrokers, subject to the provisions of the laws of the Commonwealth, and may revoke such licenses of their pleasure.

## **ARTICLE XXIV: HAWKERS AND PEDDLERS**

### **SECTION 1.**

This Article was repealed at Special Town Meeting held on October 17, 1934.

## **ARTICLE XXV: JOB AND EXPRESS WAGONS**

### **SECTION 1.**

The Board of Selectmen may license suitable persons to set up and use job and express wagons for the transporting for hire, goods, wares, furniture or rubbish, within the Town of Clinton. All persons engaging in such transportation for hire within the Town of Clinton shall take out such number of job and express wagon licenses as will equal the greatest number of such vehicles to be used at any one time by said person during the year for which the license is issued. Said license shall expire on April 30<sup>th</sup> of each year, and may be revoked at the pleasure of the Selectmen.

### **SECTION 2.**

The fee for such license shall be one dollar for each vehicle used thereunder, payable to the Town Clerk for the use of the Town.

### **SECTION 3.**

No person shall engage in the business of transporting for hire, goods, wares, furniture or rubbish as specified in Section 1 of this article, without first obtaining a license or licenses therefore.

#### **SECTION 4.**

Every person licensed under the provisions of this article shall cause his name and the number of his licenses to be printed or placed in plain, legible words and figures in a conspicuous place, on the outside of each vehicle used in exercising said license.

#### **SECTION 5.**

Whoever violates any of the provisions of this article shall be subject to a penalty of not more than ten dollars for each offense.

### **ARTICLE XXVI: PARADES AND PUBLIC GATHERINGS**

#### **SECTION 1.**

No person shall form or conduct any parade in any street, sidewalk or public way within the Town, or form or conduct for the purpose of display or demonstration, any procession or assembly of people, except a military or funeral parade or procession, within such street, sidewalk or way, without first obtaining a written permit from the Chief of Police; and no person shall take part in any such parade, procession or assembly which is not authorized by such a permit.

#### **SECTION 2.**

No person shall give any public address, speech or harangue in any street, Public Square or public park within the Town, without a written permit from the Chief of Police.

#### **SECTION 3.**

Any person violating any of the provisions of this article shall be punished by a fine of not more than twenty dollars.

### **ARTICLE XXVII: PLANNING BOARD**

#### **SECTION 1.**

A Planning Board is hereby established under the provisions of Section 81A of Chapter 41 of M.G.L., with all powers and duties thereof and any amendments thereto. The Planning Board shall consist of five (5) members to be elected by official ballot at the Annual Town election in March 1968, one for a term of one (1) year; one for a term of two (2) years; one for a term of three (3) years; one for a term of four (4) years; and one for a term of five (5) years and thereafter for five

year terms. Vacancies shall be filled in the same manner provided in Section 11 of Chapter 41 of the General Laws of Massachusetts; and be it further provided that the members of the Planning Board now in office and the two members elected in March 1967, serve as members of the Planning Board herein established until their successors are elected at said annual Town Election in March 1968 and duly qualified.

**(Revised A.T.M. 02/27/64 Art. 32)**

## **ARTICLE XXVIII: PENALTY**

### **SECTION 1.**

Whoever violates any of the provisions of these by-laws, unless otherwise specifically provided herein, shall be punished with a fine of not more than twenty dollars.

### **SECTION 2.**

No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1, of the Massachusetts General Laws, nor shall have in his possession any open containers or containers whose seal has been broken and recapped of such beverages, while on, in, or upon any public way or sidewalk, or upon any way to which the public has a right of access or any place to which the members of the public have access as invitees or licensees, park or playground, or private land or place, without the consent of the owner or person in control thereof. The burden of proving such consent shall be on the defendant.

All alcoholic beverages being used in violation of this by-law shall be seized and safely held until final adjudication of the charge against the persons so arrested or summoned before the court, at which time they shall be disposed of as directed by the court.

A police officer witnessing a violation of this by-law shall have the right to arrest such person without a warrant and shall bring the person so arrested, before the court within twenty-four hours. Sundays and holidays excepted.

The penalty for violation of this by-law shall not exceed fifty dollars (\$50.00) for each offense, or act in any manner relating thereto.

**(Added at A.T.M. 05/17/79 Art. 20)**

## **ARTICLE XXIX: REGULATION OF PLUMBING**

### **SECTION 1.**

All installation, alteration or repair of water supply and sewage disposal pipes shall be in accordance with the latest editions of the State Plumbing and Sanitary Codes. (Revised at A.T.M. 05/03/89 Art. 18)

## **ARTICLE XXX: REGULATION OF STREET TRAFFIC**

### **SECTION 1.**

Rules to be observed; the driver or operator of every vehicle driven or operated upon the streets highways and public places within the limits of the Town of Clinton shall conform to and observe the following rules:

### **SECTION 2.**

Any vehicle approaching Water Street on West Street shall come to a complete stop north of and within ten feet of the northerly curb line of Water St. before proceeding into Water St., and a warning sign stating the substance of this section shall be placed at a point plainly visible to such vehicles.

### **SECTION 3.**

Slow moving vehicles shall keep as close as practicable to the right hand side of the street.

### **SECTION 4.**

The driver or operator of a vehicle shall in slowing up, stopping or turning, warn those behind by extending the hand or by other customary and adequate means.

### **SECTION 5.**

The driver of any vehicle shall immediately drive close to the curb and stop on the approach of fire apparatus.

### **SECTION 6.**

The driver of any vehicle proceeding on the track in front of a street railway car shall, as soon as possible, turn out when signaled to do so by the motorman or person in charge of the car.

### **SECTION 7.**

No vehicle shall pass through any moving funeral procession or licensed parade, except as provided by law. Any procession requiring more than ten minutes to pass a given point shall be broken at intervals to allow the passage of traffic across its line.

### **SECTION 8.**

No person having charge of a vehicle or any street or way shall neglect or refuse to stop or to place the same as directed by a police officer.

### **SECTION 9.**

Except as provided in Section 14 below, no vehicle shall be stopped or left standing:

(a) Within the limits of a street intersection as marked by the side property lines (extended) of the intersecting streets, except in officially designated parking spaces or hackney carriage stands.

(b) Within the limits of any cross walk.

(c) Within ten feet of a fire hydrant or the entrance driveway of a fire station, unless the vehicle is actually occupied by a person capable of driving it, and, in case of a motor vehicle, the engine is kept running.

(d) In such position as to block entrance to or egress from any driveway or alley used by other vehicles or to prevent vehicles parked at the curb from leaving their position.

(e) In such position opposite any regularly designated street railway or bus stop as to prevent easy passage between the car or bus and the sidewalk.

### **SECTION 10.**

When a vehicle is left standing on an incline its wheels shall be so turned that it will run into the curb if the brake is accidentally released.

### **SECTION 11.**

No person shall leave a horse or horses unattended in any street or way unless securely fastened by being tied to a post or weight, or unless one or more of the wheels of the vehicle to which same is hitched is securely fastened and the vehicle is of sufficient weight to prevent its being dragged at a dangerous speed with the wheels so secured.

### **SECTION 12.**

No vehicle shall stop with its left side to the curb in any of the following designated streets:

Main Street and the West Boylston Road.  
Sterling Street from the town line to Brook Street.  
Brook Street from Sterling Street to Main Street.  
High Street           Cameron Street           Union Street  
Water Street        Mechanic Street  
Berlin Street        Boylston Street

**SECTION 13.**

Except as provided in Section 14, no hackney carriage or public conveyance with a seating capacity of more than six passengers shall be stopped or left standing on High Street between Union Street and Water Street except to on or discharge passengers, and while actually so engaged.

**SECTION 14.**

Nothing in this article shall be construed to prohibit the stopping of any vehicle at any point in an emergency, or to allow the passing of another vehicle or person, or as directed by a police officer, or for good and sufficient reason approved his writing by the Chief of Police.

**SECTION 15.**

The space at the curb on both sides of Church Street, adjacent to both east and west of High Street, is hereby designated as a hackney carriage stand.

**SECTION 16.**

A space at the intersection of Union Street and Mechanic Street to be defined and marked by the Board of Road Commissioners, is hereby designated as a public bus stand, and no vehicle shall be stopped or left standing within the space so described except a public conveyance with a seating capacity of more than six passengers, licensed as a hackney carriage in accordance with Article XX of these By-laws and engaged in carrying passengers on published schedules and routes.

**SECTION 17.**

The word "Vehicles" herein shall include horses hitched to vehicles, horses ridden or led, motor vehicles of all kinds, carts pushed by hand, and everything on wheels or runners, except light carriages for children and vehicles operated upon rails or tracks.

**SECTION 18.**

The word "street" herein shall apply to that part of the public highway intended and suitable for vehicular travel.

### **SECTION 19.**

The word “curb” herein shall apply to the boundary of a street as defined above.

### **SECTION 20.**

The word “street intersection” herein shall apply to the point of intersection of the center lines of two streets which meet or cross at an angle, or to a “silent policeman” or other marker when placed approximately at such point.

**(Added Art XXX, Regulation of Street Traffic at ATM 3/17/24 and repealed Sec. 1,2,3,19,28, & 30 of Art XVIII and renumbered remaining Sections 1 thru 26 of Article XVIII)**

## **ARTICLE XXXI: LICENSING OF VENDORS OF SOFT DRINKS**

### **SECTION 1.**

No person shall keep open his place of business for the retail sale of beverages derived wholly or in part from cereals or substitutes therefore and containing less than one half of one percent of alcohol, unfermented grape juice, ginger ale, root beer, sarsaparilla, artificial mineral waters, carbonated waters or beverages, an any other so called soft drinks without being licensed for such purposes as herein after provided.

### **SECTION 2.**

The Selectmen are hereby authorized to grant such licenses upon written application therefore and subject to the terms and conditions provided by law. Licenses so issued shall expire on April 30<sup>th</sup> of each year. The fee for each license shall be one dollar.

### **SECTION 3.**

The provisions of this by-law shall not apply to innholders, common victuallers, druggists; nor to the dealers whose principal business is the sale of groceries and meats or either of said products, nor to the sale of any or all of such beverages when sold not to be drunk on the premises, nor to persons who keep open their places of business on Sunday for the sale of soda water, if they are licensed under Section 7 of Chapter 136 of the General Laws.

### **SECTION 4.**

Whoever violates the provisions of this by-law shall be punished by a fine of not more than fifty dollars as provided by law.

**(Added at STM 4/24/24 Art. V)**

## **ARTICLE XXXII: DEPARTMENT OF CIVIL DEFENSE**

### **SECTION 1.**

At Town Meeting held on February 26, 1951 it was voted to accept Chapter 639, of the Acts of 1950, which called for the establishment of a Department of Civil Defense, with all the powers and duties specified in said Chapter. Chapter 269, of the Acts of 1952, extended the Civil Defense Department thru 1953. Chapter 491, of the Acts of 1953, extended the Department indefinitely.

## **ARTICLE XXXIII: PROTECTIVE ZONING BY-LAWS**

### **SECTION 1.**

At Town Meeting held on February 28, 1972 it was voted to accept the provisions of M.G.L. Chapter 40A, The Zoning Act, and the Zoning By-laws of the Town of Clinton based on Ch. 40A.

NOTE: The Zoning By-laws are maintained as a separate document.

**(All existing sections except Article 3 deleted and new re-codified Zoning By-laws added at A.T.M. 6/18/2001 Art. 22, approved by A.G. 10/9/2001 available for review or for sale at Town Clerk's Office)**

## **ARTICLE XXXIV: DUTIES OF PARKS AND RECREATION COMMISSION**

### **SECTION 1.**

To establish and elect a five man Board of Park and Recreation Commissioners, as authorized by Sections 2 and 14 of Chapter 45, G.L. (Ter. Ed.); said board to acquire land and facilities for park and recreation purposes, and to conduct and promote recreation physical education and similar activities; said Board to be first elected in the Town Election of 1973 when two park Commissioners are to be elected for a term of one year, two for a term of two years, and one for a term of three years, with all subsequent terms to be for three years; upon first election of said Board, the Playground Committee created by vote of the September 18, 1939 Town Meeting to be dissolved.

**(Added at S.T.M. 07/24/72 Art. 7)**

### **SECTION 2.**

It shall be the duty and responsibility of the members of this Commission to manage the affairs of the department.

### **SECTION 3.**

It shall be the duties of Parks & Recreation to sand and to remove snow and ice from the sidewalks of Central Park.

**(Added at A.T.M. 06/18/2001 Art. 25)**

## **ARTICLE XXXV: LEASH LAW FOR DOGS**

### **SECTION 1.**

All dogs must be under actual physical restraint by way of a leash when on any property within the town, whether public or private, except on the premises of the owner or keeper, or on the premises of another person with the knowledge and permission of such other person.

Definition of Restraint — An animal shall be considered under restraint if it is within the real property limits of its owner or keeper or on the premises of another person with the knowledge and express permission of such person, or secured by a leash, lead, or under the direct control of the owner.

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**(Adopted 12 hour law at S.T.M. 07/24/72 Art. 3)**

**(Revised to 24 hours at A.T.M. 04/28/80 Art. 27)**

**(Revised A.T.M. 6/7/21 Art. 36)**

### **SECTION 2.**

:

Scheduled of fines for unleashed dogs shall be \$25.00 for the first offense, \$50.00 for second offense and \$100.00 for subsequent offenses.

**(Revised fines at S.T.M. 11/01/84 Art. 3)**

**(Revised A.T.M. 6/7/2021 Art. 36)**

### **SECTION 3.**

All owners of dogs shall be responsible for removing excrement left by their dogs on areas other than their own private property.

**(Added at A.T.M. 04/28/97 Art. 20)**

#### **SECTION 4.**

The schedule of fines for a dog owner's failure to remove the dog's excrement from public property shall be \$25.00 for the first offense, \$50.00 for the second offense and \$100.00 for subsequent offenses.

**(Revised at A.T.M. 06/04/12 Art. 31)**

**(Revised A.T.M. 6/7/21 Art. 36)**

#### **SECTION 5.**

The fine for non-licensed dogs shall be \$50.00.

**(Revised at A.T.M. 04/27/98 Art. 20)**

**(Revised at A.T.M. 6/7/21 Article 36)**

The license fee for non-neutered or spayed animals shall be \$15 per year.

**(Revised fine at A.T.M. 04/27/98 Art. 21)**

#### **SECTION 6.**

It is the responsibility of all dog owners to be respectful of their neighbors.

Between the hours of 9 a.m. and 9 p.m., dogs shall not be allowed to bark continuously for more than 30 minutes. Between the hours of 9 p.m. and 9 a.m., dogs shall not be allowed to bark continuously for more than 15 minutes.

Schedule of fines for barking dogs shall be \$25.00 for the first offense, \$50.00 for the second offense and \$100.00 for the third and subsequent offenses. The third offense may be brought before the Board of Selectmen under MGL Chapter 140, Section 157 as a nuisance dog whereby the Board of Selectmen will determine further action as required by law.

**(Added A.T.M. 6/7/21 Art. 36)**

### **ARTICLE XXXVI: HISTORIC DISTRICT BUILDING RENOVATION**

#### **SECTION 1.**

No building shall hereafter be erected within the Town of Clinton within a district bounded as follows, to wit: Northerly by the Southerly line of Water Street; Easterly by the Easterly line of High Street; Southerly by the Northerly line of Union Street and Westerly by the Easterly line of Main Street and no such building now erected within such limits shall be rebuilt, reconstructed, restored, removed, changed in architectural feature or architectural style or general arrangement

without a license from the board of Selectmen. In passing on such matters, the Board shall consider among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color or the features involved in relation of such features to similar features of buildings and structures in the surrounding area. The Selectmen shall not consider interior arrangements or architectural features not subject to public view. **(Adopted at A.T.M. 04/28/1980 Art. 18)**

## **ARTICLE XXXVII: SEWER BY-LAWS**

### **SECTION 1.**

The Sewer By-laws of the Town of Clinton, as promulgated by the Department of Public Works, and as amended from time to time, shall be incorporated into and shall be considered part of these By-laws.

### **SECTION 2.**

Definitions

#### **Article I**

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Sec. 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 deg. C., expressed in milligrams per liter.

Sec. 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Sec. 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Sec. 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Sec. 5. "Department" shall mean the Public Works Department of the Town of Clinton.

Sec. 6. "Garbage" shall mean solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

Sec. 7. "Industrial Waste" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Sec. 8. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

Sec. 9. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

Sec. 10. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Sec. 11. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

Sec. 12. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sec. 13. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Sec. 14. "Sewage" or "Wastewaters" shall mean the spent water of a community from the standpoint of its source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.

Sec. 15. "Sewage Treatment Plant" or "Water Pollution Abatement Plant" shall mean any arrangement of devices and structures used for treating sewage.

Sec. 16. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Sec. 17. "Sewer" shall mean a pipe or conduit for carrying sewage.

Sec. 18. "Shall" is mandatory; "May" is permissive.

Sec. 19. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceed for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

Sec. 20. "Storm Drain" (sometimes termed "Storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but sewage and industrial wastes, other than unpolluted cooling water, are intended to be excluded.

Sec. 21. "Superintendent" shall mean the Superintendent of Public Works Department of the Town, or his authorized deputy, agent or representative.

Sec. 22. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension water, sewage, or other liquids, and which are removable by laboratory filtering.

Sec. 23. "Town" shall mean the Town of Clinton, Massachusetts.

Sec. 24. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 25. "Board of Selectmen" shall mean the Board of Selectmen of the Town of Clinton, Massachusetts, acting as the governing power of the Department of Public Works.

Sec. 26. "M.D.C." shall mean the Metropolitan District Commission

## **Article II**

### **Building Sewers and Connections**

Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board of Selectmen.

Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Board of Selectmen. A permit and inspection fee of \$5.00 for a residential or commercial building sewer permit and \$25.00 for an industrial building sewer permit shall be paid to the Town at the time of the application is filed.

One copy of the permit shall be available for inspection at all times at the site of the work.

Sec. 3. All costs and expense, incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building, if approved by the Board of Selectmen, and the whole considered as one building sewer.

Sec. 5. Old building sewers or portions thereof may be used in connection with new buildings only when they are found, on examination and test by the Board of Selectmen to meet all requirements of this ordinance.

Sec. 6. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary

sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Sec. 7. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavation, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulation of the Town. In the absence of code provisions or in amplification thereof the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Sec. 8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedure set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made watertight and gastight. Any deviation from the prescribed procedures and materials must be approved by the Board of Selectmen before installation.

Sec. 10. The applicant for the building sewer permit shall notify the Board of Selectmen when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under supervision of the Board of Selectmen or their representatives.

Sec. 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

### **Article III**

#### **Use of the Public Sewers**

Sec.1. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec.2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Board of Selectmen. Industrial cooling water or unpolluted process waters may be discharged on approval of the Board of Selectmen, to a storm sewer, combined sewer, or natural outlet.

Sec.3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
- (c) Any waters or wastes having a pH lower than (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstructions to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

Sec.4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Board of Selectmen that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Board of selectmen will give consideration to such factors as the quantities of subject wastes

in relation to flows and velocities in the sewers, materials of construction of the sewers, natures of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, other pertinent facts. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150 degrees F.) (65 degrees C.)
- (b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg-l or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred fifty (150) degrees F. (0 and 65 degrees C.).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Board of Selectmen.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite exceeds the limits established by the Board of Selectmen for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Board of Selectmen as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Board of Selectmen in compliance with applicable State or Federal regulations.

- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
  - (1) Unusual concentration or inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids, (such as, but not limited to, sodium chloride and sodium sulfate).
  - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (4) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec.5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Board of Selectmen may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Board of Selectmen may:

- (a) Reject the wastes.
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers.
- (c) Require control over the quantities and rates of discharge, and or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this Article.

If the Board of Selectmen permit the pretreatment or equalizations of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Board of Selectmen and the M.D.C., and shall be subject to the requirements of all applicable codes, ordinances and laws.

Sec.6. Grease, oil and sand interceptors shall be provided when, in the opinion of the Board of Selectmen they are necessary for the proper landing of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients except that such interceptors shall be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Board of Selectmen, and shall be located as to be readily and easily accessible for cleaning and inspection, and subject to the requirements of all local codes, ordinances, and laws.

Sec.7. Where preliminary treatment of flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec.8. When required by the Board of Selectmen, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes, such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Board of Selectmen and the M.D.C. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times of the town and the M.D.C.

Sec.9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to

life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas PH's are determined from periodic grab samples.

Sec.10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern subject to the approval of the M.D.C., whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern.

#### **Article IV Protection from Damage**

Sec.1. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewerage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

#### **Article V Powers and Authority of Inspectors**

Sec. 1. The Board of Selectmen and the M.D.C., and their duly authorized employees, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Board of Selectmen and the M.D.C., and their duly authorized representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Sec. 2. While performing the necessary work in private properties referred to in Article V, Section 1 above, the Board of Selectmen and the M.D.C. and their duly authorized employees shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town or the M.D.C. employees and the Town and the M.D.C. shall

indemnify the company against loss or damage to its property by the Town or M.D.C. employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article III, Section 8.

Sec. 3. The Board of Selectmen and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

## **Article VI Penalties**

Sec. 1. Any person found to be violating any provision of this ordinance except Article IV shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article VI, Section I, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding twenty dollars for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

Sec. 3. Any person violation any of the provisions of this ordinance shall become liable to the Town and the M.D.C. for any expense, loss, or damage occasioned the Town and M.D.C. by reason of such violation.

## **Article VII New Article Added**

Sec. 1 Where the development of a Priority Development Site (PDS) as defined by Section 10000 of the Zoning By-Laws, requires permit(s), approvals(s)

and /or review(s) hereunder, applications(s) or request(s) thereof shall be submitted simultaneously with any other permit application(s) required by the Zoning or Administrative By-Laws relating to the use or development of the PDS, or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D and decision(s) thereon shall be rendered no later than ninety (90) days from the date of submission from the date of submission of complete application(s).

## **Article VIII**

The purpose of this article is to provide guidelines for the transfer of surplus retained earnings from the Landfill Enterprise Fund to the Capital Projects & Infrastructure Improvements Stabilization Fund as required by Chapter 164 of the Acts of 2018.

### **SECTION 2 – TRANSFERS**

If the Landfill Enterprise Fund generates retained earnings that are not required for the capital expenditures of said enterprise, the Board of Selectmen shall recommend at town meeting that said retained earnings be transferred to the Capital Projects & Infrastructure Improvements Stabilization Fund. Nothing herein shall prevent transfers into the Capital Projects & Infrastructure Improvements Stabilization Fund from other sources as permitted by law.

### **SECTION 3 - USE**

The Capital Projects & Infrastructure Improvements Stabilization Fund is to be used only for capital projects and infrastructure improvement projects pursuant to guidelines established by the Board of Selectmen. (Added A.T.M. 06/03/19)

### **(Renumbered from Article VII to Article VIII)**

#### **Validity**

Sec. 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part this ordinance which can be given effect without such invalid part or parts.

**(Added A.T.M. 04/28/81 Art. 28)**

## **ARTICLE XXXVIII: PERSONNEL BY-LAWS**

### **SECTION 1.**

The Personnel By-Laws of the Town of Clinton, as amended from time to time, shall be incorporated into and shall be considered part of these By-Laws.

*(Available for review as a separate document in the Town Clerk's office.)*

**(Adopted at A.T.M. 5/23/94 Art. 7)**

## **ARTICLE XXXIX: PROCESS FOR ABATEMENT OF TAXES UNDER CHAPTER 59 SECTION 59A**

The Town of Clinton is authorized, pursuant to Massachusetts General Laws, Chapter 59, Section 59A, as amended, which was accepted by Annual Town Meeting Vote on December 15, 1999, to enter into agreements regarding payment or abatement of real estate taxes, and/or interest, and/or penalties relative to sites or portions of sites within the Town of Clinton, from or at which there has been a release of oil or hazardous materials. The following are necessary conditions and components of any such agreement.

### **SECTION 1.**

The site or a portion thereof must be one from, or at which, there has been a contaminated release of oil or hazardous material.

### **SECTION 2.**

The site or portion thereof is zoned for commercial or industrial uses.

### **SECTION 3.**

The agreement must be for the purpose of environmental cleanup and redevelopment of such site, and shall require submission of any plans to address such.

### **SECTION 4.**

The agreement must provide:

- (a) the principal amount due of outstanding taxes, interest and penalties, before abatement of any amount thereof;
- (b) the amount of taxes, interest and penalties to be abated, if any;
- (c) the net amount of taxes, interest and penalties due after abatement;
- (d) the percent of interest to accrue, if determined applicable;
- (e) the inception date of payment;

- (f) the date of final payment; and
- (g) late penalties and other terms of repayment

**SECTION 5.**

Agreements can only be made with an eligible person as defined under Massachusetts General Laws Chapter 21E, Section 2.

**SECTION 6.**

Such agreements shall be negotiated by the Board of Selectmen, and will require a simple majority vote of said board.

**SECTION 7.**

Such agreements, as required by said Massachusetts General Laws Chapter 59, Section 59A, shall be signed by the eligible person and the Chairman of the Board of Selectmen.

**SECTION 8.**

Such agreements shall be notarized and attested to by the Town Clerk.

**SECTION 9.**

Such agreements shall contain any other provisions as may be required by law, ordinance, or regulations of the Department of Revenue.

**SECTION 10.**

In the event of any such agreement reduces the tax to be paid, abatements must be processed and charged to the overlays for the fiscal years of the taxes abated.

**SECTION 11.**

Copies of executed agreements shall be provided to the eligible person, the Town Administrator, the Town Treasurer, the Board of Assessors, and the following state and federal agencies:

Massachusetts Commissioner of Revenue, Massachusetts Department of Revenue (Property Tax bureau), Massachusetts Department of Environmental Protection and United States Environmental Protection Agency.

**SECTION 12.**

The Board of Selectmen shall determine that all options have been exhausted.  
(Added A.T.M. 06/23/03 Art. 8)

## **STRETCH ENERGY CODE**

### **SECTION 1- ADOPTION.**

The Town has adopted the provisions of 780 CMR 115.AA (i.e., Appendix 115.AA of the State Building Code or the “Stretch Energy Code”), as it may be amended from time to time, effective in the Town beginning on January 1, 2020.

### **SECTION 2 PURPOSE.**

The purpose of the Stretch Energy Code is to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code. (Added A.T.M 06/03/19)

## **TRANSFERS FROM THE LANDFILL ENTERPRISE FUND TO THE CAPITAL PROJECTS & INFRASTRUCTURE IMPROVEMENTS STABILIZATION FUND**

### **SECTION 1- PURPOSE**

The purpose of this article is to provide guidelines for the transfer of surplus retained earnings from the Landfill Enterprise Fund to the Capital Projects & Infrastructure Improvements Stabilization Fund as required by Chapter 164 of the Acts of 2018.

### **SECTION 2- TRANSFERS**

If the Landfill Enterprise Fund generates retained earnings that are not required for the capital expenditures of said enterprise, the Board of Selectmen shall recommend at town meeting that said retained earnings be transferred to the Capital Projects & Infrastructure Improvements Stabilization Fund. Nothing herein shall prevent transfers into the Capital Projects & Infrastructure Improvements Stabilization Fund from other sources as permitted by law.

## HISTORY OF ADMINISTRATIVE BY-LAWS

11/28/1913	By-Laws adopted	(J 1)
03/16/1914	Adopted Civil Service for Fire Department	(J 53)
03/16/1914	Added By-law, license required from Selectmen to alter or enlarge buildings on Water, Walnut, Union and Main Streets.	(J 53)
03/16/1914	Amended Art. 1, Publish warrants in newspaper 3 times at least 7 days prior to Town Meeting	(J 54)
03/15/1915	Revised Art. XXVII, Sec. 1, three-year terms for Planning Board members	(J 99)
03/20/1916	Revised Art. XXIV, Sec. 4, Hawkers & Peddlers shall be licensed by Selectmen	(J144)
03/19/1917	Revised Art. XXIV, Sec 4, Peddlers that grow own fruits & vegetables shall not be denied license	(J203)
07/13/1917	Establish Recreation & Playground Commission	(J217)
07/09/1923	Revise Art XII, Sec 1, Town Solicitor be elected, one-year term	(K71)
03/17/1924	Added Art. XXX, Regulation of Street Traffic	(K91)
04/24/1924	Added Art. XXXI Soft drink vendors licensed by Selectmen	(K98)
03/07/1927	Selectmen authorized to appoint Town Accountant	(K193)
06/27/1927	Abolish election of Auditors	(K211)
12/12/30	Abolish Sinking Fund Commissioners	(K340)
11/23/31	Revised Art. XVII, Sec. 7 Town Boards shall file	

	annual reports to Selectmen by Jan. 20	(K373)
12/26/31	Rev. Art. I, Sec. 1, Change date of Annual Meeting & Election	(K378)
06/29/34	Rev. Art. III, Disposal of Town Property by Selectmen valued at less than \$500.00	(L127)
10/17/34	Repealed Art. XXIV, Hawkers & Peddlers	(L130)
02/25/35	Rev. Art. V. establish office of and provide for election of Town Collector.	(L168)
11/08/37	Duties of Selectmen: Rescind acceptance of Ch.41 Sec.21, and authorize Selectmen to appoint Super. Of Street & Tree Warden, all other officers to be elected.	(L280)
10/18/39	Duties of Selectmen: Two Constables shall be appointed in March of each year.	(L359)
10/18/39	Abolish Recreation Committee, establish Playground Commission with 5 members	(L360)
02/23/43	Duties of Selectmen: Revise Art. III authority to sell property taken for Non-payment of taxes	(M109)
08/09/43	Tree Warden to be elected for three-year term instead of one year term	(M119)
08/09/43	Revise Art. III Selectmen to be elected to 3 year term instead of one year term	(M119)
09/12/44	Treasurer to be elected to 3-year term instead one-year term. (No Art. # Reference)	(M166)
09/12/44	Tax Collector to be elected to 3-year term instead	

	one-year term. (No Art. # Reference)	(M166)
02/26/51	Add By-Law Article XXXII to establish Department of Civil Defense under authority of Ch. 639, Acts of 1950 Ch. 269, Acts of 1952 Ch. 491, Acts of 1953	(N79)
07/23/51	Repeal & adopt new Art. XXIX, Plumbing regulations	(N96)
02/24/53	Rev. Art. XXIX, Sec. 18, "Y" at foundation	(N153)
07/23/53	Adopt laws for liquor establishments	(N159)
02/23/54	Rev. Art. XXIX, Sec.10, 3" Stacks required	(N177)
02/23/54	Rev. Art. X, Sec. 1, Change from 1 to 3 Police Sergeants	(N177)
02/23/54	Rev. Art. X, Sec. 6 Duties of Sergeants	(N177)
11/02/54	Election day vote to accept Liquor laws which were to be set by Selectmen on 11/29/54	(N195)
02/28/55	Change term of office of Rec. Committee to be staggered 3 year terms	(N222)
02/27/56	Add Sec. 13 to Art. I, Quorum of 300 at Town Meeting & 250 at Special Town Meeting	(N248)
02/27/56	Rev. Art. XX, Add motorboat rules as Sec. 12	(N246)
02/27/61	Rev. Art. XVIII, snow removal parking ban	(O002)
02/26/62	Rev. Art. XII, elect Town Solicitor, 3 Year term	(O17)
09/24/62	Rev. Art. III, add earth removal By-Law	(O28)

02/27/67	Rev. Art. XXVII, Sec. 1 Establish Planning Board	(O55)
02/28/72	Adopt Zoning By-Laws	(O82)
07/24/72	Special Town Meeting Art. 3, add Art. XXXII, 12 hour leash law for dogs.	(O85)
07/24/72	Special Town Meeting Art. 7 establish Park & Recreation Commission	(O86)
02/27/73	Annual Town Meeting Rev. Art. XVIII, add political sign regulation	(O93)
02/27/73	Rev. Art. I, change date of Annual Town Meeting	(O99)
09/08/73	Special Town Meeting Art. 2 repeal existing Art. XI, regarding Fire Engineers	(O101)
09/08/73	Special Town Meeting Art. 7 Adopt 1970 edition of the fire prevention code	(O102)
04/28/75	Annual Town Meeting Art. 20 added Building Inspector	(O121)
04/28/77	Rev. Art. III authorization to apply for Federal Grants	(O139)
05/17/79	Add Sec. 2 to Art. 28 "Open container law"	(O172)
04/28/80	Add downtown Historic District (No Reference #)	(O185)
04/28/80	Rev. Art. XXXV, change to 24 hour leash law	(O187)
04/28/81	Added section XXXVII to Sewer By-Law	(O203)
04/28/81	No parking on specific sidewalks	(O201)
10/05/81	Duties of Selectmen, Authorization to spend Federal Grants	(O206)

11/01/84	Rev. Art. XXXII, change leash law fines	(O244)
04/29/85	Rev. Art. 20 Annual Town Meeting Apr. 28, 1975 to full-time Building Inspector	(O253)
05/27/87	Rev. Art. X, Sec 1. Add police lieutenant, but no duties added. (see Sect. 6)	(O272)
11/17/87	Rev. Art. I, Sec.10.change \$500.00 to \$10,000.00	(O275)
04/25/88	Rev. Art. X, Sec.1 change from 3 to 4 Sergeants	(O281)
05/03/89	Rev. Art. XIX, Sec.1 State Building Code	(O289)
05/03/89	Rev. Art. XXIX State Plumbing Code	(O290)
11/13/89	Rev. Art.1 Sec.1 Election hours 7:00 A.M.-8:00 P.M.	(O294)
11/13/89	Rev. Art III Sec.1 five member Board of Selectmen	(O295)
11/13/89	Rev. Art. III Sec.5 Selectmen appoint at least 2 tellers from each precinct for Town Meeting	(O295)
11/13/89	Rev. Art. IV Duties of the DPW	(O295)
11/13/89	Rev. Art. XII Duties of Town Solicitor	(O297)
07/08/91	Rev. at Annual Town Meeting Art.3 regarding quorum for ATM 300 STM 250	(P324)
05/01/91	Rev. Art. XIX Sec. 1 Selectmen will annually appoint a Building Inspector	(P317)
05/23/94	Art. 7 Annual Town Meeting adopted Personnel By-Law	(P368)
02/12/96	Added to Sec. 25A of Art. XVII unlawful to remove recyclable material from curbside without Selectmen's approval	(P407)

02/26/96	Special Town Meeting Art. 1 add Sec. 30 to Art. XVIII snow obstruction of fire hydrant	(P407)
06/12/96	Art. 18 changes to Admin. By-Laws only at Annual Town Meeting	(P 428)
06/12/96	Art. 19 Special Town Meetings no earlier than 7:30 P.M.	(P 428)
04/28/97	Art. 17 revised Annual Town Meeting to be held on last Monday in April at 7:00 P.M.	( P 440)
04/28/97	Art. 18 Special Town Meeting no earlier than 7:00 P.M.	(P 440)
04/28/97	Art. 20 added to Dog By-Laws at Annual Town Meeting removing excrement	(P440)
04/27/98	Art. 20 revised Dog By-Laws at Annual Town Meeting increase fine for non- licensed dogs	(P462)
04/27/98	Art. 21 revised Dog By-Law Annual Town Meeting license fee for non-neutered dogs	(P462)
04/27/98	Art. 18 revised Art. 1 Sec.1 Administrative By-Laws regarding 2/3 vote. A count need not be taken unless questioned by 7 or more voters	(P461)
06/18/01	Duties of Parks & Recreation Annual Town Meeting Art. 25 added Removal of snow and ice from Central Park	(P565)
06/18/01	Annual Town Meeting Art. 22 added new Zoning By-Laws	(P567)
06/23/03	Art. 8 added Tax Abatement under Ch.59, Sec. 39A	(P585)
06/20/05	Art. 15, Added Sec. 7 to Article II Duties of Finance Committee Fiscal Procedures regarding budget.	(P649)

06/21/06	Art. 19, Administrative By Law added to DPW Storm Water Regulations	(P678)
06/21/06	Art. 21 Admin. By Law by law change delete provision Allowing changes to by laws only be at ATM	(P679)
06/20/07	Art. 22 Admin. By Law change increase fee of non- licensed dogs from \$25.00 to \$50.00	(P700)
06/29/09	Art. 7 Admin. By- Law added to Police powers to regulate water use.	(P733)
06/29/06	Art.8 Change of Language in Personnel by Laws disciplinary, Grievance procedures and Military Leave.	(P736)
06/29/09	Art.9 Admin. By-Law Date change for ATM from May June.	(P736)
09/29/09	Art. 13 Admin. By-Laws Change of publication of Town Meeting Warrant.	(P737)
06/29/09	Art. 14 Admin. By-Law Change in Quorum at TM and STM	(P738)
09/29/09	Art. 16 Admin. By-Law Change in Public Comment at Selectmen's meetings.	(P739)
06/07/10	Art. 14 Additional Compensation for Collector & Treasurer that obtain certification by MA Collector And Treasurer's Association.	(Q6)
06/07/10	Art. 17 Giving authorization to Town Admin. To hire And terminate employees.	(Q7)
06/06/11	Art. 20 Compliance with MGL c. 43D 18 day deadline to issue permitting decision.	(Q16)
06/04/12	Art. 29 Added to Admin. By-Laws under Selectmen requiring a license for Commercial Garages,	(Q36)

Keepers and Repairman.

06/04/12	Art. 31 Added section to dog regulations regarding removal of dog excrement from public property.	(Q36)
06/04/12	Art. 32 Added section to Police duties regarding Criminal History checks for individuals applying for certain licenses.	(Q36)
06/03/13	Art. 12 Erection, alteration, or renovation of of a building.	(Q50)
06/03/13	Art. 12 section 2 established permanent building Committee consisting of 7 members.	(Q50)
06/02/14	Art. 26 & 27 Change from elected to appointed Collector and Treasurer.	(Q79)
06/01/15	Art. 10 Added to Police fines for illegal dumping	(Q97)
06/01/15	Art. 11 Added to Police Individuals must obtain a license for Peddling and Soliciting door to door.	(Q97)
06/06/16	Art. 24 Motel/Hotel Operation Permit.	(Q120)
06/05/17	Art. 8 Departmental Revolving Funds Gas, Plumbing, COA, Town Hall Use, Olde Home Day, Fuller Field, Town Clerk.	(Q139)
06/04/18	Art. 27 Sec. 13 Public consumption or use of Marijuana or Tetrahydrocannabinol.	(Q165)
06/03/19	Art. 31 Transfer from Landfill Enterprise Fund To Capital Projects & Infrastructure Improvements Stabilization Fund.	(Q181)
06/03/19	Art. 32 Bigelow Library Delete Article XIV and insert new Article XIV	(Q182)
06/03/19	Article 33 Duties of Selectmen	(Q183)

Delete Article III Section 11 and  
Insert new Section 11. New guidelines to the  
Disposition of surplus town property.

06/03/19 Article 34 Add Stretch Energy Code

(Q184)