.TOWN BY-LAWS
Seekonk, Massachusetts
Revised June, 2014

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CATEGORY 1 – TOWN ELECTIONS, TOWN REPORTS AND TOWN MEETINGS

The Annual Town Election shall be held on the first Monday in April of each year. The polls shall be opened as early as 7:00 o'clock in the forenoon and shall not be closed before 8:00 o'clock in the evening.

The Board of Selectmen shall have the Town Reports from all departments, boards and committees whether appointed or elected, for the previous fiscal year, available one week prior to the first Monday in October of each year, and shall place same in the Town library.

The Annual Town Meetings shall convene twice annually on dates and at times determined as follows: the first business meeting shall convene during March, April, May or June to act on financial and other matters including the consideration and adoption of an annual operating budget and a capital budget with the date to be determined by the Board of Selectmen at their first meeting in February, said date to fall after the Town Election, but in accordance with the Town Charter. A second Annual Meeting shall convene during September, October or November or as called for in the Charter with the date to be determined by the Board of Selectmen at least 90 days prior to the meeting. The warrants will be available to the voters at least fourteen (14) days prior to the meetings and the motions will be available to the voters at least fourteen (14) days prior to the meetings.

Notice of every Annual Town Meeting and Special Town Meeting shall be given by posting an attested copy of the warrant calling said meeting in at least five public places in the Town including at least a copy in each Precinct within the Town and one copy in the Town Hall no later than fourteen (14) days prior to the commencement of said meeting. If the motions are not contained in the warrant, they shall be posted in the same manner as the warrant no later than fourteen (14) days prior to the commencement of said meeting. Notice of said meeting shall be published no later than fourteen (14) days prior to the commencement of said meeting in a newspaper of general and local circulation.

As soon as practical after the adjournment of the Annual Town Meeting, if time permits on a vote to adjourn to another day, the Town Clerk shall cause a brief statement of the day and hour to which the adjournment was voted and of the business remaining to come before the meeting, to be posted at least once in each voting Precinct, and if the period of the adjournment will permit, shall cause a similar notice to be published in one or more newspapers having general distribution in the Town.

Any Article which is to appear in a Warrant must be presented to the Finance Committee by the Board of Selectmen not later than sixty (60) days before the date of the meeting. If this does not occur and the Finance Committee does not have sufficient time to make a qualified recommendation, they may not recommend its passage.

All recommendations of the Finance Committee to a Town Meeting shall be the recommendations of the majority of the entire Committee, but this shall not be construed to prevent recommendations by a minority.

All petitions for Articles to appear on a warrant for any Town Meeting must be presented to the Board of Selectmen and the Finance Committee not less than Sixty (60) days prior to the date of such meeting.

The determination and announcement of the presence of the required number of voters present at any Town Meeting shall be made by the Town Clerk and shall be conclusive upon the question of fact, unless determination be doubted, in which case a count shall be taken and recorded.

The procedure and conduct of Meetings of the Town, not otherwise provided for, shall be governed by "Roberts' Rules of Parliamentary Practice" and/or "Town Meeting Time, a Handbook of Parliamentary Practice" by Johnson, Trustman and Wadsworth, as far as applicable, and not inconsistent with the

By-laws of the Town. The Moderator shall preserve order and decorum. He/she may speak to points of order in preference to other voters, and he/she shall decide all questions subject to an appeal, as provided by law or By-law.

Each person, when about to speak, shall rise, respectfully address the chair, wait until he/she is recognized by the Moderator, then state his/her name and address, and in speaking, he/she shall confine him/herself to the question under consideration and avoid mentioning personalities.

No person shall address the meeting without first being recognized by the Moderator, and all persons shall, at the request of the Moderator, be silent. When two or more persons rise to speak at the same time, the Moderator shall name the one entitled to speak first..
Any person who is not a Town resident shall not be allowed to address any Town Meeting, except with the approval of the majority of those present and voting.

All Articles in the Warrant shall be taken up in order of their appearance of arrangement unless otherwise decided by a two-thirds (2/3) vote.

A Motion to reconsider has the same rank as the motion being reconsidered. Motions to reconsider will be in order after the disposal of all other articles.

All motions requiring expenditure of money shall be presented in writing. Other motions shall be in writing unless permitted by the Moderator to be presented orally.

When a question is put, the sense of the meeting shall be determined by a show of hands (unless otherwise voted by the meeting), and the Moderator shall declare the vote as it appears to him. If a vote so declared is immediately questioned by seven or more voters, he shall verify it by polling the voters or by dividing the meeting.

If a motion is susceptible of division, it shall be divided and the question shall be put separately upon each part thereof, if a majority of those present and voting so vote.

If a motion is made and seconded to conduct a secret ballot on any warrant article or proposed amendment to an article and the motion to conduct a secret ballot is supported by 25% (twenty five percent) of those voting, then the vote on the warrant article or amendment shall be taken by secret ballot.

Reports of Committees shall be the first Warrant Article for all Town Meetings. All reports of Committees shall be in writing unless an oral report is authorized by the Moderator.

All appointments to Committees except as otherwise provided by law or by By-law, shall be made by the Moderator within thirty (30) days after the passage of the vote creating the Committee, except that the method of selecting the members of the Committee may be outlined in the voters or petitioners motion creating such Committee. Notwithstanding any provisions of this By-law, no Committees or members of Committees shall be chosen from the floor of a Town Meeting.

Ad-hoc committees that are authorized by Town Meeting may be authorized for a period not to exceed two complete fiscal years, and may be reauthorized by Town Meeting for periods not to exceed one complete fiscal year.

All appointments to Committees not made by the Moderator within the time limit specified in this By-law shall be made within the next ensuing thirty (30) days by the Board of Selectmen.

All terms of appointment to the Personnel Board and Finance Committee, as appointed by the Town Moderator, shall expire June 30th.

Amended Article 24: October 18, 1982 — Approved by Attorney General: July 31, 1984
Amended Article 1: October 16, 1989 — Approved by Attorney General

Amended Article 1: November 18, 1991	Approved by Attorney General
Amended Article 2: January 22, 1996	Approved by Attorney General: April 10, 1996
Amended Article 1: June 8, 1998	Approved by Attorney General: August 27, 1998
Amended Article 9: May 21, 2001	Approved by Attorney General: August 31, 2001
Amended Article 1: May 16, 2006	Approved by Attorney General: Sept. 11, 2006
Amended Article 24: Nov. 26, 2007	Approved by Attorney General: Dec. 13, 2007
Amended Article 3: May 19, 2008	Approved by Attorney General: August 25, 2008
Amended Article 16:May 24, 2010	Approved by Attorney General: Sept. 30,2010
Amended Article 2, November 29, 2010	Approved by Attorney General: March 8, 2011
Amended Article 9, March 27, 2013	Approved by Attorney General May 20, 2013

CATEGORY 2 – TOWN OFFICIALS

The Town, at its Annual Election, shall in every year when the term of office of any incumbent expires and, except when other provision is made by law, choose by official ballot, as defined in Chapter 50, Section l, of the Massachusetts General Laws, from its registered voters the following Town Officers for the corresponding Terms of Service, in accordance with the provisions of Chapter 41 of the General Laws, and amendments thereto:

Office	Total Number	TERM OF SERVICE
Selectmen	5	3
Moderator	1	3
Town Clerk	1	3
Assessors	3	3
School Committee	5	3
Planning Board	7	5
Library Trustee	7	3
Housing Authority	4	5

Each Department and/or Office in Town shall submit by September 15th of each year to the Town Administrator, Board of Selectmen and the Finance Committee, an inventory of Town property, including equipment and supplies, in its custody, compiled as of the end of the previous Fiscal Year.

All contracts or purchases of equipment, supplies, materials or services made by any Department shall be in accordance with the provisions of Chapter 30B of the Massachusetts General Laws (Uniform Procurement Act).

Every Board or Officer in charge of a Department may, with the approval of the Board of Selectmen, sell any property not required by such Department, in accordance with the provisions of Chapter 30B of the Massachusetts General Laws.

All fees paid to any Town Official, by virtue of his/her Office shall be paid into the Town Treasury.

Article 24: October 18, 1982	Approved by Attorney General: October 25, 1982
Article 4: October 16, 1982	Approved by Attorney General:
Article 4: November 13, 1990	Approved by Attorney General
Article 2: June 8, 1998	Approved by Attorney General: August 27, 1998
Article 24: June 9, 2014	Approved by Attorney General June 25, 2014

CATEGORY 2A – APPOINTMENT PROCEDURE FOR TOWN COMMITTEES

2A.1 All Town Boards that are appointed by the appropriate Appointing Authority as determined by Massachusetts General Laws, or the Seekonk Home Rule Charter or by these By-Laws, or by specific vote of a Town Meeting shall be appointed according to the following procedures. The provisions of this section shall apply to all appointments, including ad hoc appointments, made by the Town Moderator, the Board of Selectmen or the Selectmen and the remaining members of an Elected Board who are authorized by Massachusetts General Laws or the Seekonk Home Rule Charter to appoint someone to fill a vacant seat on said Elected Board.

2A.2 As used in this Article, the following terms shall have the following meanings:

2A.2.1 "Board" shall mean any Board, Committee, Commission or other body of the Town, including Ad Hoc Committees, however named or constituted, which is composed of two or more members and has been or is established pursuant to Massachusetts General Laws, the Seekonk Home Rule Charter, these By-Laws, vote of a Town Meeting or vote of the Board of Selectmen.

2A.2.2 "Appointed Board" shall mean a Board any of the members of which are appointed by an Appointing Authority.

2A.2.3 "Permanent Appointed Board" shall mean an Appointed Board the purpose of which is on-going and is not limited to one or more specifically defined objects culminating in the filing of a report or the completion of an authorized or delegated assignment.

2A.2.4 "Appointing Authority" shall mean the Moderator, the Board of Selectmen or any other officer or Board of officers, or combination thereof, responsible for the appointment of members of an Appointed Board.

2A.2.5 "Elected Board" shall mean any Board the members of which are elected by all the voters of the Town at a Town Election.

2A.3 A vacancy on a Board due to resignation shall be effective upon receipt by the Town Clerk of notice by the resigning member, pursuant to the provision of MGL C.41, §11 and §109.

2A.4 In the event of a vacancy on an Elected Board, the Selectmen and the remaining members of that Board shall act to fill that vacancy pursuant to MGL C.41, §11, the Seekonk Home Rule Charter or other applicable state statute. The person appointed shall serve until the next annual Town Election at which time they must run for election to fill the remainder of the term of the office to which they have been appointed. The Chairperson of the Elected Board which has a vacant seat shall notify, in writing, the Chairperson of the Board of Selectmen and the Town Administrator of the vacancy.

2A.4.1 In order to attract qualified and interested persons, vacancies will be made public as far in advance as practicable, the Chairperson of the Elected Board shall publicize each vacancy by press release, on the Town's website, as well as on Local Access Cable TV.

2A.4.2 First, the Selectmen and the remaining members of that Elected Board shall jointly evaluate the submitted Talent Bank Forms to determine if any candidates are qualified and available to serve on the Board.

2A.4.3 Second, if any qualified candidates exist, the Selectmen and the remaining members of that Board shall jointly publicly interview the candidates and determine if an appointment can be made from this available pool.

2A.4.4 Third, the Selectmen, with the remaining members of that Elected Board, shall fill the vacancy by roll call vote as mandated by the applicable provisions of the Seekonk Home Rule Charter and Massachusetts General Laws.

2A.4.5 Finally, all appointments shall be made on the basis of fitness demonstrated by competency and suitability to perform the duties of the position and the person appointed shall serve until the next annual Town Election at which time they must run for election to fill the remainder of the term of the office to which they have been appointed.

2A.5 If a vacancy occurs in the membership of an Appointed board, the Appointing Authority shall appoint a new member to serve for the balance of the unexpired term. The Chairperson of the Appointed Board shall notify the appropriate Appointing Authority of the vacancy.

2A.5.1 In order to attract qualified and interested persons, vacancies will be made public as far in advance of appointment as practicable, The Board of Selectmen, Town Administrator and the Chairperson of the Appointed Board shall publicize each vacancy by press release, on the Town's website, as well as on Local Access Cable TV.

2A.5.2 First, the Appointing Authority shall evaluate the submitted Talent Bank Forms to determine if any candidates are qualified and available to serve on the Board.

2A.5.3 Second, if any qualified candidates exist, the Appointing Authority shall publicly interview the candidates and determine if an appointment can be made from this available pool.

2A.5.4 Finally, all appointments shall be made on the basis of fitness demonstrated by competency and suitability to perform the duties of the position.

2A.5.5 It will be the responsibility of the Appointing Authority to appoint a qualified candidate as soon as possible.

2A.6 All new appointments to Appointed Boards, including Ad Hoc Committees, will be for a maximum of three (3) years. Reappointments will be made effective July 1 of each year. Reappointments of members of Appointed Boards should consider the attendance and performance of all of the members who are seeking reappointment. If a member had five (5) or more unexcused absences in an appointment year, he/she may be considered not qualified for reappointment.

2A.6.1 Once appointed, the member will receive an appointment letter from the Appointing Authority and report to the Town Clerk to be sworn in to their position.

2A.7 Each Board shall reorganize annually.

2A.7.1 Each Elected Board shall reorganize during the Board's first meeting immediately following the election of its members.

2A.7.2 Each Appointed Board shall organize during its first meeting and thereafter reorganize during the first meeting following July 1 of each fiscal year.

2A.7.3 At that meeting, the Board shall elect a Chairperson, Vice-chairperson and Clerk. Such appointments shall remain in effect until the next annual reorganization or until a vacancy occurs. Whenever a vacancy occurs the affected Board shall meet to elect all officers or to elect a substitute officer, which will remain in place until the next annual reorganization.

2A.8 All Town Boards shall operate under Robert's Rules of Order. Written attendance records will be kept.

2A.9 All Boards shall operate in accordance with the Open Meeting Law (MGL Ch. 39, sect. 23a-c) and shall keep minutes of their proceedings. Each Board shall establish its own procedures for approval and submission of minutes on a timely basis. Boards are required to prepare, review and approve minutes as expeditiously as possible in order to maximize the public's access to information concerning Board activity. In most instances, the minutes should be reviewed and approved not later than the second meeting following the original meeting date.

2A.9.1 All Boards, immediately after approving minutes or releasing minutes of meetings held in executive session, shall submit a copy of approved minutes to the Town Clerk for filing. At that time all Appointed Boards shall also submit copies of such minutes to their respective Appointing Authority.

2A.9.2 All rules and regulations adopted by an Appointed Board shall be filed with the Town Clerk. Every Appointed Board shall annually file a report of its activities, in a form suitable for printing in the Annual Town Report, on or before such date as may be fixed by the Selectmen.

Adopted Article 4: May 19, 2008 Approved Att. Gen. August 25, 2008
Adopted Article 13:Nov. 28, 2011 Approved Att. Gen. Jan. 20, 2012

CATEGORY 2B-CAPITAL IMPROVEMENT COMMITTEE

Section 1: Purpose and Function

There is hereby established a Capital Improvement Committee. The Committee will serve as an advisory committee to the Town Administrator and the Board of Selectmen. The establishment of a Capital Improvement Committee will ensure sound fiscal and capital planning for the town.

The Committee, in partnership with the Town Administrator and Town department heads, shall develop an annual and a long-range (3 to 5 years) capital improvement plan related to acquiring, maintaining and improving town-owned land, buildings, and equipment.

The Capital Improvement Committee may develop and propose bylaws and policies for capital planning and improvement based on sound accepted business practices and any proposed bylaws shall require approval of Town Meeting.

Section 2:Preparation

Each Town department shall annually, no later than September 15th, provide the Town Administrator an inventory of existing assets, a clear statement of needs, and a justification for new capital items or projects. The department heads shall also provide information about the fiscal impact of the net cost to acquire each new capital item or implement each new capital project, an implementation schedule, and an indication of priority (high, medium, low), which will then be forwarded to the Capital Improvement Committee by the Town Administrator.

The Committee shall annually, no later than January 15th, prepare and provide a written recommended Capital Improvement Plan to the Town Administrator. The Town Administrator shall then submit his/her capital improvement recommendation with the annual town budget to the Board of Selectmen.

The Capital Improvement Committee's written recommendations shall be included within the annual town budget and annual town report, even if the recommendations are not acted upon by the Town Administrator and/or the Board of Selectmen.

The Capital Improvement Committee shall in every even Fiscal Year provide an updated long range capital improvement plan to the Town Administrator and Board of Selectmen for review.

Section 3:Organization

The Capital Improvement Committee shall be comprised of seven (7) voting members, appointed to three year overlapping terms of office. The Board of Selectmen shall appoint four (4) members and the Town Moderator shall appoint three (3) members. All appointed members shall be eligible for reappointment. The Town Administrator and the Director of Municipal Finance shall serve by virtue of their offices and shall have a voice but no vote.

The Board of Selectmen and Town Moderator shall strive to appoint at least three members who possess experience in financial planning, construction planning, or related fields of experience.

No elected member of the Board of Selectmen, elected member of the School Committee, or Town employee shall be eligible to serve on the Committee, with exception of the Town Administrator and the Director of Municipal Finance.

Any vacancy shall be filled for the unexpired term in the manner of the original appointment.

The Committee, in accordance with Town By-Law Category 2A.7.2., shall organize during its first meeting and thereafter reorganize during the first meeting following July 1st of each fiscal year.

Section 4: Municipal Capital Stabilization Fund

Town Meeting may establish a Municipal Capital Stabilization Fund, as provided by Massachusetts General Laws Chapter 40 Section 5B, to be used exclusively for capital purposes; provided, however, that capital improvements may also be funded in any other manner consistent with law including by transfer from available funds, taxation, borrowing, and application of grants and gifts, whether as part of the annual operating budget or pursuant to a special purpose appropriation.

Section 5:Authority

Nothing herein shall be deemed to interfere with the authority of the Town Administrator, Board of Selectmen or Town Meeting to propose or fund capital improvements.

Amended: Article 3, January 25, 2010 — Approved by Attorney General: May 11, 2010
Amended:Article 22, June 9, 2014 — Approved by Attorney General:June 25, 2014

~~CATEGORY 3 – COMPENSATION FOR PART-TIME ELECTED OFFICIALS~~

This category was deleted at November 18, 2013 town meeting. (Article 10) Appr. Att.Gen.

CATEGORY 4 - RESIDENCY REQUIREMENT FOR ALL COMMITTEES

All persons serving on any Board or Committee in the Town of Seekonk shall be required to live in the Town and shall be required to maintain residency within the corporate Town limits throughout their appointment.

CATEGORY 5 – DEPARTMENT OF MUNICIPAL FINANCE

SECTION 1 – COMPOSITION, TERM OF OFFICE, GENERAL POWER

There shall be a Department of Municipal Finance which shall be responsible for the keeping of accounts and financial records, the head of which shall be the Director of Municipal Finance, who shall be appointed under contract by the Board of Selectmen and shall report to the Town Administrator, for a term of no less than three (3) nor more than five (5) years. The Director of Municipal Finance shall have knowledge of municipal accounting and shall have experience in budgeting and financial control. Subject to the approval of the Board of Selectmen, the Director of Municipal Finance may perform the duties of any office under his supervision and may consolidate one or more such offices under one person, provided the Director of Municipal Finance shall serve, ex officio, as Town Accountant.

SECTION 2 – DUTIES OF THE DIRECTOR OF MUNICIPAL FINANCE

The Director of Municipal Finance shall perform the following duties:

A). Coordinates financial services and activities.

B). Maintains a general accounting system of the Town, except the School Department, including necessary financial statements and an annual audit.

C). Assist all other Town Departments and Offices in any matter related to financial affairs.

D). Monitors the expenditure of all funds, including periodic reporting to the Town Administrator and the appropriate agencies on the status of accounts.

E). Monitors all purchases of supplies, materials, equipment, and services including insurance and maintenance of inventory controls.

F). Assists the Town Administrator in supervising the data processing activities of the Town.

G). Assists the Town Administrator in compiling the Town's fiscal operating Budget.

SECTION 3 – APPOINTMENTS

The Director of Municipal Finance may, with the approval of the Board of Selectmen, appoint all other personnel necessary to staff the department as constituted in this By-law.

Article 4 adopted: April 10, 1989
Amended: Article 6, June 8, 1998
Amended: Article 1, May 16, 2006

Approved by the Attorney General: May 16, 1989
Approved by Attorney General: August 27, 1998
Approved by Attorney General: September 11, 2006

CATEGORY 5A – MUNICIPAL FINANCE

A.) Any sum in any account established by appropriation which remains unexpended, or with respect to which the expenditure thereof has not been committed by contract, at the close of the second full fiscal year next following its appropriation shall be closed to the Excess and Deficiency Fund or to any other fund as had been directed by Town Meeting in making the appropriation. Provided, however, that the Town Meeting may approve an extension of not more than twelve (12) months in the time within which funds may be expended or a commitment made for the expenditure thereof at the request of the spending authority. The provision thereof shall apply to all accounts now on the books of the Town, except that the time within which expenditures are committed by contract shall be June 30, 2009 for any account which

would otherwise be closed by virtue hereof. This section shall not apply to appropriations that are subject to the provisions of state statute.

B.) The Board of Health may charge a fee for inspections for any matter within their jurisdiction when such inspection is requested by the owner or agent of the property or business to be conducted outside of the normal business hours of the Town, and the need to conduct the inspection is not of an emergency nature.

Article 5: May 19, 2008 — Approved by the Attorney General 8/25/08

Article 17: June 20, 2011 — Approved by the Attorney General 9/29/2011

CATEGORY 5B DEPARTMENTAL FEES

The Board of selectmen, when establishing any fee as authorized by a Town of Seekonk Bylaw or by a Massachusetts General Law, shall encourage public participation and fiscal accountability in seeing the amount of such fee.

A.) Each board, committee or department shall observe the provisions of M.G.L. c.40s.22F in setting any fee.
B.) Each year while preparing the Town's annually operating budget for the ensuing fiscal year, each board, committee and department that is authorized to charge a fee for service shall analyze the cost of providing such service and recommend any appropriate revisions to the Board of Selectmen.
C.) The Board of Selectmen shall hold a public hearing not later than April 1 of each year to obtain public comment on any revision to any fee, or on the establishment of any fee. Notice of such hearing shall be made at least fourteen days in advance by advertising in a newspaper of general circulation, posting on the Town's website, and through similar action.
D.) Members of the public may submit written comments about any matter discussed during the public hearing to the Board of Selectmen with ten days after the hearing is closed.
E.) Any action by the Board of Selectmen to revise any fee shall not take effect until at least thirty days after the date of such action, and shall be posted on the Town's website and reported in the Town Report.

Amended Article 2, January 25, 2010 — Approved by Attorney General: May 11, 2010

CATEGORY 6 – LATE CHARGES FOR MUNICIPAL COLLECTIONS

All municipal charges and bills shall be due and payable within thirty (30) days of date of mailing by the Treasurer/Collector or other Town official empowered to do so.

All receivables which remain unpaid after said 30 days shall accrue interest payable to the Town at a rate to be determined by the Board of Selectman as permitted by State Law.

This By-law is authorized under the provisions of Chapter 40, Section 21E, of the Massachusetts General Laws.

Article 9 adopted: April 10, 1989 — Approved by the Attorney General: May 16, 1989.
Article 7: June 8, 1998 — Approved by the Attorney General: August 27, 1998
Amended: Article 7, June 8, 1998 — Approved by Attorney General: August 27, 1998

CATEGORY 7 – LICENSES AND PERMITS OF DELINQUENT TAXPAYERS

A). The Treasurer/Collector or other Town Official responsible for records of all municipal taxes, assessments, betterment's and other municipal charges, hereinafter referred to as the Treasurer/Collector, shall annually furnish to each Department, Board, Commission or Division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterment's or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

B). The Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or other matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima-facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect any and all local taxes, fees, assessments, betterments, or other municipal charges, payable to the Town as the date of issuance of said certificate.

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

D). The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his/her immediate family, as defined in Section One of M.G.L. Chapter Two Hundred and Sixty-Eight (M.G.L. 268), in the business or activity conducted in or on said property.

This By-Law shall not apply to the following licenses and permits: open burning, M.G.L. Section Thirteen of Chapter Forty-Eight; bicycle permits, M.G.L. Section Eleven A of Chapter Eighty-Five; sales of articles for charitable purposes, M.G.L. Section Thirty-Three of Chapter One Hundred and One; children work permits, M.G.L. Section Sixty-nine of Chapter One Hundred and Forty-Nine; clubs; associations dispensing food or beverage licenses, M.G.L. Section Twenty-One E of Chapter One Hundred and Forty; dog licenses, M.G.L. Section One Hundred and Thirty-Seven of Chapter One Hundred and Forty; fishing, hunting, or trapping licenses, M.G.L. Section Twelve of Chapter One Hundred and Thirty-One; marriage licenses, M.G.L. Section Twenty-Eight of Chapter Two Hundred and Seven; and theatrical events, public exhibition permits, M.G.L. Section One Hundred and Eighty-One of Chapter One Hundred and Forty.

Article 5: April 13, 1992, Approved by the Attorney General: May 18, 1992
Article 11: October 17, 1994, Approved by the Attorney General: December 19, 1994

Amended: Article 8, June 8, 1998
Amended: Article 33, November 16, 1998

Approved by Attorney General: August 27, 1998
Approved by Attorney General: December 22, 1998

CATEGORY 8 – SEEKONK HUMAN SERVICES COUNCIL

In accordance with the provisions of Massachusetts General Law Chapter 40, Section 8B

SECTION 1
The Board of Selectmen shall appoint a Seekonk Human Services Council for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in cooperation with the programs of the Department of Elder Affairs.

A). The Seekonk Human Services Council will provide information, referral and resources to all needy residents of Seekonk regardless of age.

B). The Council will assist the Director of Human Services in preparing an annual budget to finance and operate programs and services.

C). The Council will make policy in compliance with Local and State laws and regulations.

D). The Council shall be aware of housing needs for Seekonk residents.

SECTION 2
The Board of Selectmen shall appoint the Seekonk Human Services Council consisting of seven (7) members. Upon acceptance of this By-law, the Board shall replace existing members when their terms end or vacancies occur. Members may apply to be re-appointed for consecutive terms. The members of the Council shall serve without compensation.

SECTION 3
Whenever a vacancy shall occur in the membership of the Council, by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled by appointment by the Board of Selectmen for the remainder of the term.

SECTION 4
The Seekonk Human Services Council at its first annual meeting and thereafter, annually in July of each year, shall elect from its membership a Chairperson, Vice-Chairperson, Secretary, and Treasurer. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Council shall hold a special meeting for the purpose of electing one of its members to fill such vacancy

A.) The Chairperson presides at all meetings and arranges times and places for all meetings. Also serves as spokesperson for the Council in relation with the public. The Chairperson votes only when there is a tie vote and is responsible for preparing agendas, appointing all committees and acts as an ex-officio member on all committees.
B.) The Vice Chairperson presides in the absence of the Chairperson and performs the functions normally performed by the Chairperson. The Vice-Chairperson shall be in close contact with the Chairperson in all Council business for good continuity in the accomplishment of the Council's duties.
C.) The Secretary notifies members of the time and place of each meeting and will post these meetings with the town clerk. The secretary will be responsible for recording detailed minutes of every meeting. Meeting minutes can be done by the Director's secretary, Council's secretary or a designee. Minutes will be distributed and approved at the next meeting.
D.) The Treasurer is responsible to work with Director to report any funds the Council may receive and disburse any Town appropriations and grants. The Treasurer assists with the preparation of

meeting reports of all financial transactions according to good accounting procedures and assists the Director with the preparation of the proposed budget for the Human Services department for the Board of Selectman's approval after all appropriations are agreed upon by a majority of Council members. The Treasurer assists the Director with the Annual Budget report.

SECTION 5
Subject to the Personnel Board's policy and union contracts, the Council shall have the power and authority to engage or employ assistance which it may require for the discharge of its duties, to establish and approve the compensation to be paid for such assistance. No payments shall be made in excess of the sum or sums which are appropriated from the Council by the Town or from other funds for such purpose.

SECTION 6
Each new council member will be given a copy of the Seekonk Human Services Council orientation manual that was approved by the Board of Selectman on December 8, 2004 and will be responsible for acting within its' guidelines.

SECTION 7
In the event of a vacancy in the Directors position the Council with the cooperation from the Town Administrator will advertise, recruit, interview and recommend to the Board of Selectmen a replacement.

SECTION 8
The Human Services Council will do an annual review of the Director and will present this review to the Town Administrator and the Board of Selectmen. This review may be utilized for recommendations such as continued employment, promotions, disciplinary action and dismissal.

Article 10: March 12, 1973
Amended: Article 9, June 8, 1998
Amended: Article 20, ATM, May 21, 2001
Amended: Article 1, May 16, 2006
2006

Approved by Attorney General: June 22, 1973
Approved by Attorney General: August 27, 1998
Approved by Attorney General: August 31, 2001
Approved by Attorney General: September 11,

CATEGORY 9 – SMART MEMORIAL TRUST

ARTICLE I – NAME
The name shall be the Smart Memorial Trust.

ARTICLE II – PURPOSE
The Smart Memorial Trust will be used to support the goals of the Seekonk Public Library to provide the widest possible range of informational, educational and recreational services to all individuals and groups in the community.

ARTICLE III – BOARD OF TRUSTEES
The Board of Library Trustees shall also serve as the Board of Trustees for the Smart Memorial Trust. (Each Board member shall have one vote. The Board may appoint advisory members who shall have no vote.)

ARTICLE IV – FISCAL YEAR
The Fiscal Year shall begin on July 1 and end on June 30. In each year the Trustees shall report activity of the Trust to the Town in the Annual Town Report.

ARTICLE V – PROVISIONS FOR USE OF INCOME AND PRINCIPAL
A). The Town Treasurer shall hold, manage, invest and reinvest the Trust property under the Massachusetts General Laws. The Trustees shall pay to or apply for the benefit of the Seekonk Public

Library any part or all of the net income as they shall in their discretion deem advisable, such income to be used to enhance, enrich and supplement the funds available for the Library.

B). By unanimous vote of all the Trustees, they also may pay to or apply for the benefit of the Library, in any one year, an amount not to exceed 10% of the market value of the principal of the trust, valued as of June 30 of the previous year provided however that the Trustees shall over a period not to exceed five (5) years from the end of the year of such payment, restore to the principal an amount equal to the amount paid or applied. The Trustees shall determine the amount of income to be accumulated and added to the principal in any one year to meet this requirement.

C). The Trustees shall annually request from the Library Director recommendations as to the general categories for library purposes but not specific items for which such income and principal be used.

After review the Trustees will determine the general categories for which such income and principal be used.

ARTICLE VI – TERMINATION
This Trust is intended to be perpetual and if the Library should ever cease to exist, the Trust money shall be returned to the Town of Seekonk.

Article 7: October 7, 1985
Amended: Article 10, June 8, 1998 Approved by Attorney General: August 27, 1998

CATEGORY 9A-BOARD OF LIBRARY TRUSTEES

The Board of Library Trustees may appoint a committee to be known as the Meadows Committee. The Committee shall be composed of up to seven (7) members, who shall be appointed for three year overlapping terms of office beginning on July 1. The Committee shall act under the direction of the Board to plan and maintain for passive recreational purposes such portions of the land and library building that are under the custody, care and maintenance of the Board as the Board may designate. The Committee may: (a) make recommendations to the Board regarding entering contracts, expending funds, and any other matter that would encumber the Town; and, (b) administer any contract and perform any activity that is authorized by the Board. However, all such contracts as may be proposed by said Committee or by the Board of Library Trustees shall be subject to final approval and execution by the Board of Selectmen.

Article 20: May 24, 2010 Approved by Attorney General: Sept. 30, 2010

CATEGORY 10 – RECYCLING COMMITTEE

The Board of Selectmen may establish a Recycling Committee for the promotion and development of a Recycling Program for the purpose of recycling any type of solid waste including but not limited to paper, glass, metal, rubber, plastics, used tires and compostable waste. The program may be established for groups of cities, towns or districts upon agreement of all municipalities or districts in a joint Program.

The Recycling Committee shall consult with the Department of Environmental Protection (D.E.P.) before establishing a Recycling Program.

The Committee shall consist of not less than three nor more than seven members, and shall include the Superintendent of Public Works or the Superintendent's designee.

The terms of the first members of the Committee shall be for one, two or three years, and so arranged so that the term of one of the members expires each year, and their successors shall be appointed to terms of three (3) years each.

A Recycling Program shall be approved by the Board of Selectmen before taking effect.

Article 6 adopted: June 26,1989
Amended: Article 11, June 8, 1998 Approved by Attorney General: August 27, 1998

CATEGORY 11 – MANDATORY RECYCLING PROGRAM

SECTION 1 – PROGRAM ESTABLISHED

There shall hereby be established a program for the mandatory separation of certain recyclable and compostable materials from trash by the residents of the Town of Seekonk (hereinafter referred to as Town) and the curbside collection of these recyclables and compostable materials. The collection of trash, recyclables and composting materials shall be made on a scheduled basis under the supervision of the Public Works Department, as authorized by the Board of Selectmen. Decisions relating to the transportation, sale or disposal of trash, recyclable and compostable materials collected by the Town shall be determined by the Recycling Coordinator, based on contractual arrangements authorized by the Board of Selectman.

Under the guidelines of MA General Law Chapter 44, section 28C and related legal decisions, the following system of fees and exemptions is established to cover all costs of operating the Town's integrated municipal solid waste programs:

A). An annual trash fee shall be assessed on every residential dwelling unit in the Town and paid by the property owner. The fee will be assessed at a rate method that the Board of Selectman deems appropriate to cover all costs (excluding tipping fees) of operating the trash, recycling, and composting programs instituted now or in the future by the Town, to clean up or prevent pollution caused by existing active or inactive landfills or other solid waste disposal facilities, including the operation of said facilities, to provide solid waste disposal facilities, including but not limited to the principal of, premium; if any, and interest on debt of the Town of Seekonk issued pursuant to Mass. General Law Chapter 44, section 7 or 8. The Town shall make the system self sufficient with a capital account for amortized purchasing of equipment.

B). Additionally resident must purchase and place all non-recyclable and non-compostable trash/garbage in Town-designated trash bags for collection and disposal. Funds generated from the sale of designated bags will pay for tipping fees.

C). Any commercial and industrial zoned properties or properties located in a mixed-use zone where a business is being operated, will not be eligible to participate in the Town sponsored pay as you throw trash program and must dispose of all solid waste generated from that location. Businesses shall be exempt from paying the annual trash fee and are not required to use designated trash bags.

D). The owner of residential property may be exempted from participating in the mandatory program (including payment of the annual trash fee and purchase of designated bags) by contracting with a licensed solid waste hauling company for the removal and disposal of trash. Any property owner seeking this exemption must annually provide the Board of Health with an acceptable signed contract from a properly licensed and permitted hauler.

E). Other exemptions for the payment of the annual trash fee may be approved by the Town Administrator, according to the appropriate administrative policy on file in the Board of Selectman's office.

F). Unpaid trash fees will become a lien on a homeowner's property tax account. Failure to make payment in any year, unless an exemption is granted, shall result in an interest penalty and demand charge assessed as authorized by state statute.

All associated costs (annual fee and Town-designated trash bag prices) will be annually reviewed by the Board of Selectman no later than September 1, based on the recommendations of the Recycling

Coordinator, Director of Finance and Town Administrator. Any revenue received from the sale of recyclables shall be used to offset associated costs of the program.

SECTION 2 - SEPARATION OF RECYCLABLES: PLACEMENT FOR REMOVAL

A). Each homeowner shall sort individually and prepare all recyclable/compostable materials as defined in the Town's current program, and separate these materials from the non-recyclable trash contained in the Town-designated bags.

B). Recycling bins, paper composting bags and/or other dedicated containers holding recycling and composting materials shall be placed on and removed from the curbside of the roadway.

C). All recycling/composting materials shall be packaged in a manner to prevent the scattering of the materials; an individual container/bag shall not exceed fifty (50) pounds in weight.

D). Recyclables/compostables shall not be placed in plastic garbage bags for collection or disposal. Recyclables/compostable shall not be placed in the Town-designated recycling/composting facilities.

E). The recycling/composting materials collected by the Town shall be transported to and disposed of at properly designated recycling/composting facilities.

F). All non-recyclable/compostable trash shall be placed in the Town-designated-bags for curbside collection. All bags must be securely closed or tied. Closed bags may be placed curbside in plastic or metal trash barrels.

G). All material for collection shall be properly placed at the curb no earlier than 9 p.m. on the night before collection day, and no later than 7 a.m. on collection day.

H). Any individual who violates this Section of the By-law shall be subject to a written warning of a first offense by the Recycling Coordinator, Superintendent of Public Works or designee, on behalf of the Town, and notice that further violations shall result in a fine of twenty-five dollars ($25.00) for the second offense and fifty dollars ($50.00) for each subsequent offense.

SECTION 3 – OWNERSHIP OF RECYCLABLE/COMPOSTABLE MATERIALS

Any recyclable/compostable materials left curbside for collection by the Town shall become property of the Town. It shall be a violation of this By-law for any person other than the property owner, authorized employees, or agents on behalf of the Town acting in the course of employment, to collect or pick-up or cause to be collected or picked-up any recyclable/compostable material. Any collection or pick-up violation from one or more locations shall constitute a separate and distinct offense punishable by a fine of fifty dollars ($50.00) for the first offense and one hundred dollars ($100.00) for each subsequent offense.

SECTION 4 – DEFINITIONS

"Associated Costs" - Those costs which must meet and do not exceed projected expenses.

"Compostables" - Any leaves, grass and hedge clippings, weeds, garden waste, twigs and brush not longer than 2 feet in length and 1/2 inch in diameter.

"Hazardous Waste" - Waste which because of its quality, concentration, or physical, chemical or infectious characteristics may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of , or otherwise managed (i.e. used motor oil, automobile batteries, oil-based paints, etc.)

"Recyclables" - Any discarded materials which may be reclaimed and are considered recyclables by the Town, guided by MA DEP waste bans and market conditions (i.e. metal cans, glass containers, HDPE plastic bottles, newspapers, etc.)

"Trash" - All household items to be discarded including food waste/garbage (excluding recyclable, composting materials, hazardous wastes, bulky items and construction and demolition debris).

"Uncollectibles" - Those materials which are not collected by the Town but are the responsibility of the resident to dispose of through the Towns' bulky waste collection opportunity, or through a private contractor (i.e. construction and demolition debris, furniture, appliances, tree stumps, etc.) and so-called household hazardous waste materials to be discarded through an approved hazardous waste collection program.

SECTION 5 – AUTHORITY AND SEVERABILITY

This By-law shall supersede any existing By-law or Departmental Regulation. All By-laws and regulations or parts of By-laws and regulation previously approved or adopted by any Town Meeting or department that relates to the collection of trash or recycling/composting are hereby repealed.

This By-law and the various parts, sentences, sections and clauses thereof are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this by-law shall not be affected thereby.

Article 10: May 13, 1991	Approved by Attorney General May 27, 1993
Amended: Article 13, June 8, 1998	Approved by Attorney General: August 27, 1998
Amended: Article 13, May 21, 2007	Approved by Attorney General August 8, 2007
Amended: Articles 14,15,16 May 27,2009	Approved by Attorney General Sept. 14, 2009

CATEGORY 12 – MUNICIPAL LIEN CHARGES

The Town shall impose a lien on real property located within the Town of Seekonk if the trash collection fee received by a property owner has not been paid by its due date. The lien, authorized in accordance with Section 58 of Chapter 40 of the Massachusetts General Laws shall take effect upon the recording of a list of the unpaid charge by parcel of land and by the name of the person assessed for the charge in the Registry of Deeds of the County of Bristol.

If the trash fee which is secured by the lien remains unpaid when the Board of Assessors are preparing a real estate tax list and warrant to be committed, the Treasurer/Collector shall certify such charge to the Assessors, who shall forthwith add such charge to the tax on the property to which it relates and commit it with their warrant to the Treasurer/ Collector.

If the police and/or fire detail fee which is secured by a lien remains unpaid when the Board of Assessors are preparing a real estate tax list and warrant to be committed, the Collector of Taxes shall certify such charge to the Assessors, who shall forthwith add such charge to the tax on the property to which it relates and commit it with their warrant to the Collector of Taxes as part of such tax.

If the master and/or false alarm fee which is secured by a lien remains unpaid when the Board of Assessors are preparing a real estate tax list and warrant to be committed, the Collector of Taxes shall certify such charge to the Assessors, who shall forthwith add such charge to the tax on the property to which it relates and commit it with their warrant to the Collector of Taxes as part of such tax.

The Town shall impose a lien on real property located within the Town of Seekonk if the charge for non resident school tuition fee has not been paid by its due date. The lien authorized in accordance with Section 58 of Chapter 40 of the Massachusetts General Laws shall take effect upon the recording of a list of the unpaid charge by parcel of land and by the name of the person assessed for the charge in the Registry of Deeds of the County of Bristol.
If the school tuition fee which is secured by a lien remains unpaid when the Board of Assessors are preparing a real estate tax list and warrant to be committed, the Collector of Taxes shall certify such

f. The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the RMD.

g. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.

h. The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH.

7. Exemption from RMD Special Permit Requirement: RMDs that demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A §3 are not required to obtain a special permit, but shall apply for Site Plan Approval pursuant to Section 10. Site Plan Review.

8. Prohibition Against Nuisances: No use shall be allowed in the MMOD which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including, but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

9. Severability: The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

Action on the motion: Motion passes with 148 approving and 14 disapproving.

Article 15: A motion was made that the Town I vote to amend the Bylaws of the Town of Seekonk Category 12 – MUNICIPAL LIEN CHARGES as presented in the warrant by adding the following paragraphs to the end of the Category:

The Town shall impose a lien on real property located within the Town of Seekonk if the charge for abandoned or neglected property cleanup fee received by a property owner has not been paid by its due date. The lien, authorized in accordance with Section 58 of Chapter 40 of the Massachusetts General Laws, shall take effect upon the recording of a list of the unpaid charge by parcel of land and by the name of the person assessed for the charge in the Registry of Deeds of the County of Bristol.

If the abandoned or neglected property cleanup fee which is secured by a lien remains unpaid when the Board of Assessors are preparing a real estate tax list and warrant to be committed, the Board of Health shall certify such charge to the Assessors, who shall forthwith add such charge to the tax on the property to which it relates and commit it with their warrant to the Collector of Taxes as part of such tax.

A lien under this section may be discharged by filing a certificate from the Collector of Taxes that all municipal charges or fees constituting the lien, together with any interest and costs thereon, have been paid or legally ablated, all costs of recording or discharging a lien under this by –law shall be borne by the owner of the property.
Action on the motion: Motion passes with 156 approving and 6 disapproving.

charge to the Assessors, who shall forthwith add such charge to the tax on the property to which it relates and commit it with their warrant to the Collector of Taxes as part of such tax.

A lien under this section may be discharged by filing a certificate from the Treasurer/Collector that all municipal charges or fees constituting the lien, together with any interest and costs thereon, have been paid, or legally abated. All costs of recording or discharging a lien under this By-law shall be borne by the owner of the property.

The Town shall impose a lien on real property located within the Town of Seekonk if the charge for abandoned or neglected property cleanup fee received by a property owner has not been paid by its due date. The lien, authorized in accordance with Section 58 of Chapter 40 of the Massachusetts General Laws, shall take effect upon the recording of a list of the unpaid charge by parcel of land and by the name of the person assessed for the charge in the Registry of Deeds of the County of Bristol.

If the abandoned or neglected property cleanup fee which is secured by a lien remains unpaid when the Board of Assessors are preparing a real estate tax list and warrant to be committed, the Board of Health shall certify such charge to the Assessors, who shall forthwith add such charge to the tax on the property to which it relates and commit it with their warrant to the Collector of Taxes as part of such tax.

A lien under this section may be discharged by filing a certificate from the Collector of Taxes that all municipal charges or fees constituting the lien, together with any interest and costs thereon, have been paid or legally abated, all costs of recording or discharging a lien under this by-law shall be borne by the owner of the property.

Article 5: November 13, 1990	Approved by Attorney General
Amended: Article 14, June 8, 1998	Approved by Attorney General: August 27, 1998
Amended: November 27, 2006	Approved by Attorney General February 27, 2007
Amended: Article 12 May 21, 2007	Approved by Attorney General August 8, 2007
Amended: Article 15 June 9, 2014	Approved by Attorney General June 25, 2014

CATEGORY 13 – ANIMAL CONTROL OFFICER

1. The Animal Control Officer, or any other law enforcement officer, upon investigation, if he/she finds that a dog is of a vicious nature or disposition and/or habitually chases, attacks or in any other way annoys or endangers motorists, cyclists, or persons, may order the owner or keeper of said dog to restrain said dog from running at large outside the premises of its owner or keeper, for a period of up to sixty (60) days duration.

2. Said order shall be in writing, and delivered in hand or by registered mail to the said owner or keeper. Said order may be appealed by the owner or keeper to the Board of Selectmen, for hearing and review, by filing a claim of appeal within ten (10) days of the receipt of the said order.

3. The Board of Selectmen may, after hearing, affirm, reduce, or rescind said order. Failure to comply with the order shall result in a fine of twenty-five dollars ($25.00). Each day of said failure shall constitute a separate offense.
4. Upon a second and subsequent order involving the same dog, the Board may order, in lieu of a fine of fifty dollars ($50.00), that the dog shall be permanently confined or removed from the Town of Seekonk.

Article 9: September 24, 1973	Approved by Attorney General: November 16, 1973
Revised October 2, 1995	
Amended: Article 15, June 8, 1998	Approved by Attorney General: August 27, 1998

CATEGORY 14 – CONTROL OF DOGS

1. All dogs shall be confined from 9:00 p.m. on the evening before the designated trash collection day for that area, to the time when the trash has been collected. Any owner or keeper of a dog which disturbs trash during the above period shall be subject to a fine of twenty-five dollars $25.00. Unidentified dogs shall be controlled under the provisions of General Laws, Chapter 140, Section 151A.

2. During the time that a female dog is in heat, the owner or keeper of the female dog must take adequate precautions to confine her so that no dog can gain access to her, other than those instances when the owner permits access for breeding purposes. Any person violating this By-law section shall be punished by a fine of no more than twenty-five dollars ($25.00). Each day of continued violation shall constitute a separate offense.

3. When the owner or keeper of a male dog is notified by the Animal Control Officer that his/her dog is a nuisance to residents while attracted to the residence of a female dog in heat, the owner or keeper of the male dog shall be requested by the Animal Control Officer to keep the male dog restrained for a specified amount of time until the female is out of heat. Failure to restrain the dog shall constitute a violation of this By-law and shall be punished by a fine of no more than twenty-five dollars ($25.00). Each day of continued violation shall constitute a separate offense.

4. Any dog which bites, or attempts to bite or harass, by physical contact, a person, while not on the owner's or keeper's property, after being the subject of a previous complaint, or which is a threat to the safety of livestock or domestic animals, may be ordered permanently restrained by the Board of Selectmen.

5. Any dog, while the subject or a temporary restraining order, found to be in violation of that order by exhibiting the behavior for which it was ordered restrained, may be ordered permanently restrained by the Board of Selectmen. Any and all violations of this by-law shall be enforced under the provisions of Chapter 140, Section 173 of the General Laws.

Article 23: April 23, 1979 — Approved by Attorney General: May 23, 1979
Amended: Article 16, June 8, 1998 — Approved by Attorney General: August 27, 1998

CATEGORY 14A – DOG RESTRAINT PROGRAM

A). DEFINITION
In this By-law the following terms shall have the meaning hereinafter assigned:

1. "At large" means unaccompanied by a responsible person

2. "Out of control" means accompanied by a person who cannot control or is not exerting proper supervision in order to control the behavior of the dog, or a dog which is not obedient to the command of such person.

3. "Restrained" means being kept under physical control by means of a tether or fenced within the bounds of the property of the owner or keeper, or walked on a leash, or confined within a motor vehicle.

4. "Previous offender" means any dog which has in its history been the subject of a temporary order of restraint issued by an officer of the Seekonk Animal Control Department for behavior which was a threat to public safety or the safety of other domestic animals or any dog that is the subject of a permanent restraining order from the Board of Selectmen.

5. "Nuisance by unreasonable barking" means barking by a dog which is considered unreasonable because of duration or periods of barking at such close intervals or at such times of the night or the early morning as to be considered a nuisance, a disturbance of the peace of the neighborhood or an individual, an unreasonable and continuing annoyance that would disturb a reasonable person. Barking will be

determined to be a nuisance by an officer of the Animal Control Department or a Police Officer or both upon verification and documentation of the disturbance.

B. PROVISIONS

Section 1. Dogs owned or kept within the Town of Seekonk shall not be allowed to be "at large" or "out of control" and must be restrained or obedient to the command of a responsible person at all times. The person must be capable of taking physical charge and control of the dog to ensure that the dog is not a threat or annoyance to any person on a public way or on public property or on property to which the public has access as invitee or on private property except where the owner or keeper of the dog in question has permission from the property owner to the contrary.

A dog being used by the Police Department for police duty shall not be considered to be in violation of this section when the dog is functioning within the scope of canine law enforcement duty.

Section 2. A dog must be "restrained" when it has a record in the Town of Seekonk as a "previous offender," or when it comes into the Town of Seekonk from another location in which it has a history of behavior which would qualify in the Town of Seekonk as a threat to public safety or to the safety of other domestic animals.

A dog which is the subject of a complaint that it is (A) in violation of Section 1 of this By-law and (B) exhibiting behavior for which it would be ordered temporarily restrained within the conditions of the By-Laws for Animal Control pertaining to behavior which is a threat to the safety of persons or animals shall be fined for violation of Section 1, ordered temporarily restrained and, henceforward, shall be considered to have a "previous offender" status and shall be required to be "restrained" as per the definitions of this By-law.

Section 3. The owner or keeper or walker of any dog in the Town of Seekonk shall be responsible for the removal of the dog's fecal matter as soon as it is deposited by the dog on any property, private or public, other than the private property of the owner or keeper of the dog. Fecal matter shall be immediately removed by placing such matter in a bag, wrapper, closed or sealed container and thereafter properly disposed of in an appropriate trash disposal location to which the owner or the public has access.

A blind person accompanied by a guide dog or a handicapped person being assisted by a certified assistance dog shall be exempt from this section.

Section 4. Dogs will not be allowed to be a "nuisance by unreasonable barking" within the Town of Seekonk. When a complaint is received the barking will be verified at the time by a Police Officer or an officer of the Animal Control Department and the owner/keeper so notified or if unavailable, a notice of warning will be left for the owner or keeper of the dog or dogs whose barking is the subject of the complaint. If the complaint is made after the fact, contact will be made by the Animal Control Department. After notification and provided that there is documentation of "unreasonable barking" at the time of an additional complaint, the owner/keeper will be issued a non-criminal ticket for violation of this section.

C. VIOLATIONS

The owner or keeper of any dog which is found by an Animal Control Officer or a Police Officer to be in violation of Section 1, 2, 3, or 4 of this By-law shall be subject to the following schedule of fines. An initial warning may be issued at the discretion of the enforcing officer.

1. Violation of Sec. 1: 1st offense in a 12 month period: $25.00
   2nd or subsequent offense in the same 12 month period $40.00
2. Violation of Sec. 2: 1st offense in 12 month period $25.00 or hearing before the Board of Selectmen depending upon circumstances of the violation*
   2nd or subsequent offense $50.00 or hearing process before Board of Selectmen

*Violations of this section shall be handled in the same manner that they are currently handled with consideration being given to the circumstances of the violation, the cause for which the original orders were issued and the threat the dog poses to the community or the animals herein. Hearings will be held in accordance with MGL Ch 140, Sec 157.

3. Violations of Sec. 3: 1st offense in 12 month period $25.00
2nd offense in a 12 month period $35.00
Subsequent offenses in a 12 month period $50.00

4. Violations of Sec. 4: 1st offense within a 12 month period $25.00
2nd offense within a 12 month period $50.00

D. ENFORCEMENT

1. Violations of sections 1 through 4 will result in the issuance of a non-criminal ticket by an Animal Control Officer, or if the witness was a police officer, by the police officer. The non-criminal ticket will be handled as other By-law violations within the Animal Control Program are handled by the options as provided in Chapter 40, Sec. 21D of MGL. (Payment at the clerk's office acknowledging guilt, non-payment resulting in a criminal complaint after 21 days, or request in district court before the 21 days have elapsed for a hearing.)

Violators of any of the above sections who have unpaid non-criminal tickets which are in excess of 21 days since the date of issue and which are awaiting a show-cause hearing in district court may be addressed immediately by seeking criminal complaints(s) en lieu of issuing additional non-criminal tickets.

Owners or keepers whose dogs are in violation of this By-law who are identifiable but are not present or not available to accept the ticket (s) in hand may be served by first class mail or by leaving the ticket at the residence or work place, if known, for the violator. The ticket should be secured in such a way that it would not be vulnerable to the elements.

2. Dogs which are impounded because the owner is unknown or are taken into custody for the safety of the dog or the protection of the public shall be released to the owner or keeper or representative for the owner or keeper upon the payment of fees provided by MGL, Town By-law, and established fees approved by the Board of Selectmen. At the time of release, tickets for the applicable fines will be issued. Board for owned dogs which are claimed from custody at the Animal Shelter will be $10.00 per day with the day of impoundment constituting day #1. Following owner notification that the dog is in custody, the board fee will be $20.00 per day until the dog is released from Animal Control custody.

a). Owner unknown/unclaimed dogs will be handled as provided in MGL Ch 140, to be held for ten days, and then to be made available for suitable adoption or destroyed, at the discretion of the Animal Control Officer or her/his designees.

b). Owned/owner known dogs which are not claimed by the fees being paid and the proper release procedure being done, following every reasonable effort to make owner notification, shall be made available for adoption or destroyed, at the discretion of the Animal Control Officer or her/his designees.
Owners or keepers of dogs so adopted or destroyed shall hold the Animal Control Officer and her/his designees and the Town of Seekonk harmless for such actions if the effort to locate and notify the owner was in good faith. Documentation of such effort shall constitute good faith.

c). Any dog claimed from the custody of Animal Control must have a current Rabies vaccination or be taken to a licensed veterinarian by an officer of the Animal Control Department for a Rabies

vaccination prior to the release of the dog to the owner or keeper. The cost of the veterinarian's fee plus a $10.00 "transport fee" will be the responsibility of the owner or keeper and must be paid prior to the service being rendered. (A dog which by law cannot be vaccinated under Rabies exposure/incubation quarantine laws and Rabies protocol of the Commonwealth of MA shall be exempted from this requirement by reason of legal contradiction.)

Article #26: November 17, 1997 — Approved by the Attorney General: February 13, 1998
Amended: Article 17, June 8, 1998 — Approved by Attorney General: August 27, 1998
Amended Article 16: May 21, 2001 — Approved by Attorney General: August 31, 2001

CATEGORY - 14B ANIMAL CONTROL BY-LAW MGL FEE SCHEDULE

Article 24: A motion was made and seconded that the Town accept the following chapters and sections of Massachusetts General Laws and accompanying fine schedule as part of the Seekonk Animal Control Program and its by-laws for the purpose of issuing non-criminal citations as authorized by Section 21D of Chapter 40 of the Massachusetts General Laws. Such situations may be issued by officers of the Seekonk Police Department and the Animal Control Department and that each day on which any violation exists shall be deemed a separate offense.

1) CH 140, SEC 137 through 137D - Licensing of dogs six months old and over — Fine: $25
2) CH 140, SEC 145B - Vaccination against Rabies, as amended to include dogs and cats — Fine: $50
3) CH 140, SEC 150 List of dogs – refuses to answer/answers falsely — Fine: $25
4) CH 140, SEC 157 - Failure to comply with an order from the Board of Selectmen including but not limited to A) restraint/confinement, B) removal of a dog C) destroying of a dog, D) barking dog — Fine $25
5) CH 140, SEC 167 - Selectmen Order to restrain all dogs — Fine $25
6) CH 272, SEC 77 - Cruelty to Animals — Fine $50
7) CH 272, SEC 77A - Willfully injuring police dogs and horses — Fine $100
8) CH 272, SEC 80A - through F - Mutilation, exhibition, unauthorized taking, etc. — Fine $100
9] CH 272, SEC 80H - Failure to report striking and/or killing a dog or cat with a Motor vehicle — Fine $50
10) CH 272, SEC 85A - Wrongful killing, enticing or harboring — Fine $75

Article 24 October 18, 1993 — Approved by the Attorney General December 22, 1993

CATEGORY 15 – DOG POUND SERVICE FEE

1. The owner or keeper of any dog found and/or picked up in an area's trash collection day before the trash has been picked up shall be required to pay a ten ($10.00) dollar service fee in order to obtain the release of said dog from the custody of the Animal Control Department.

This fee shall apply to any dog picked up, whether or not the dog is tagged, whether or not the dog is impounded, and whether or not the owner or keeper's residence is within the trash pick-up area in which the dog is found.

This fee shall be in addition to any board fees, license fees and court fines applicable.

2. The owner or keeper of any dog which is picked up and/or impounded as a stray or lost dog by the Animal Control Department and which is unlicensed or not wearing a license tag for the current year shall be required to pay a ten ($10.00) dollar service fee to secure the dog's release. Said fee shall be in addition to any board fees or license fees applicable.

Article 11: April 8, 1985 — Approved by Attorney General: May 24,1985
Amended: Article 18, June 8, 1998 — Approved by Attorney General: August 27, 1998

CATEGORY 16 - FEE FOR LICENSING OF DOGS

The Town has voted to accept the provisions of Massachusetts General Law Chapter 140, Section 147A, allowing the Town to withdraw from the County Dog Fund and to establish a municipal dog program, with the following provisions and fee structures with an the effective date March 15, 1990.

SECTION 1
All licensing funds, sale of dog fees, and other fees which were previously delivered to the County shall be retained by the Town of Seekonk.

SECTION 2
The license fee structure shall be the following:

Spayed female dogs and neutered male dogs	Fee: $10.00/license/year
Unspayed female dogs and unneutered male dogs	Fee: $20.00/license/year
Late penalty fee for license purchased after May 31st of each year	Fee: $20.00
Duplicate tag	Fee: $0.50
Kennel license for four (4) or fewer dogs	Fee: $30.00
Kennel license for more than four (4) dogs but no more than ten (10) dogs	Fee: $50.00
Kennel license for more than ten (10) dogs	Fee: $100.00

SECTION 3
For each license collected seventy-five cents ($.75) of the fee will be turned over to the Seekonk Public Library, to be transferred to the Library at the end of each licensing year and applied to the Library budget for the upcoming fiscal year.

SECTION 4
With the licensing fees, sale of dog fees, sale of cat fees, and late penalty fees collected, a receipts reserved account shall be established, out of which the following expenses will be paid:

1. The veterinarian's fee under Ch. 140, S. 151B
2. Damages appraised under Ch. 140, S. 161, at the rate established or revised by the County Commissioners, including the appraiser's fee and mileage.
3. Costs for printing of license forms.
4. Costs for license tags and hooks.
5. Other costs and expenses incurred in regulating and enforcing the laws associated with, or the care and custody of, dogs and cats.

Article 3, May 24, 1971 — Approved by Attorney General: August 2, 1971
Amended: Article 19, June 8, 1998 — Approved by Attorney General: August 27, 1998

Amended Article 15: May 21, 2001 Approved by Attorney General: August 31, 2001
Approved by AG:August 24, 2005

CATEGORY 17A– EARTH REMOVAL

Article I – DEFINITIONS
For the purpose of this By-law:

1. "Earth" shall include soil, loam, sand and gravel.
2. "Board" shall mean the Board of Selectmen of the Town of Seekonk.

Article II – PROCEDURE
A). No earth in an amount in excess of eight (8) cubic yards shall be moved from any parcel of land within the Town of Seekonk to another parcel either within or without the Town unless such removal is authorized by a permit issued by the "Board". No earth in an amount in excess of eight (8) cubic yards shall be moved in less than eight (8) cubic yards quantities over any period of time, deemed by the "Board" to be for the purpose of evading any of the provisions of this By-law. No such permit shall be issued, except as provided in Article III, until an application therefore is filed with the "Board" and the "Board" has held a public hearing on its application, after publication of the time, date and place, and reason for such public hearing has been advertised in one or more newspapers having general distribution in the Town, at least seven (7) days prior to said public hearing.

B). Applications for such permits shall be accompanied by exhibits and documentation deemed necessary by the "Board" for the proper issuance of a permit, which shall include the following:

1. Name and address of the legal owner of the land in question.
2. Name and address of petitioner, if different.
3. Proof by the applicant that all owners of record of abutting property have been notified by the applicant by registered or certified mail of the application for the permit.
4. Plans of the land prepared by a registered engineer or land surveyor and indicating: tract boundaries, adjacent streets and roads, the limits of the proposed excavation, the locations of all structures within two hundred (200) feet of said limits, original topography by five-foot contours, proposed final contours at five-foot intervals, and the location and proposed use of all structures and buildings to be used in connection with the removal operation.
5. A plan of the site indicating the depth of the loam before excavation of intervals of one hundred (100) feet by means of a surveyed grid.
6. Statement of plans for the disposal of rock, tree stumps and other waste materials, and for the drainage of the site and excavation during and after the removal operation.
7. A copy of the plans referred to in above item four (4), shall be filed by the applicant with the Superintendent of Public Works & the Planning Board of the Town of Seekonk at least twenty-one (21) days prior to the date of the public hearing. It shall be the duty of the Superintendent of Public Works and the Planning Board to make written recommendations to the "Board" on the proposed removal.

Article III – LIMITATIONS
A). No permit for earth removal shall be issued if such removal will (1) endanger the general welfare or safety or constitute a nuisance, (2) will result in detriment to the normal use of adjacent property by reason of noise, dust, or vibration, (3) result in traffic hazard in residential areas, or congestion and physical damage to public ways.

B). No permit for any earth removal shall be issued for more than one (1) year's duration, and may be renewed thereafter.

C). In approving the issuance of a permit, the "Board" shall impose all reasonable requirements which shall be deemed necessary by the "Board" and may include: grading, seeding, and planting, fencing necessary for public safety, methods of removal, locations and use of structures, hours of operation, routes of transportation of material removed, control of drainage, disposition of waste material incident to the operation, etc.
D). The "Board" may require suitable bond or other security adequate to assure compliance with any of the provisions of this by-law.

E). A special permit, not requiring a public hearing, shall be issued by the building inspector for the following:

1. Moving of earth within the limits of an individual parcel or series of contiguous parcels of land in single ownership.
2. Removal of earth from the site (1) where a building is under construction pursuant to a building permit to the extent as may be necessary to install the foundation and basement of the building, septic system, sidewalks and driveway. (2) where a road is under construction pursuant to a permit or by governmental authority to the extent as may be necessary to complete the project as planned.
3. The moving and removal of earth for any municipal purpose by or on behalf of the Town of Seekonk.
4. A non-commercial operation of moving and removal of earth within the Town of Seekonk by one load not in excess of eight (8) cubic yards.
5. An approved sub-division under five (5) house lots.

Article IV – VALIDITY
The invalidity of any section of this By-law shall not invalidate any other section or provision thereof.

Article V – PENALTY
Any person, firm, or corporation willfully violating, disobeying or refusing to comply with any of the provisions of this By-law shall be prosecuted under the terms of General Laws, Ter. Ed., Chapter 40, Section 21, Paragraph 17, and shall be subject to a fine of not more than $50.00 for the first offense, not more than $100.00 for the second offense, not more than $200.00 for any subsequent offense.

The "Board" may revoke or suspend the permit of any person, firm, or corporation holding a permit under this by-law if such person, firm, or corporation violates, disobeys, or fails to comply with any of the provisions of this by-law.

Adopted: April 23, 1963
Amended RTM Article #21: April 11, 1988 — Approved by Attorney General: May 19, 1988
Amended: Article 20, June 8, 1998 — Approved by Attorney General: August 27, 1998

TOWN OF SEEKONK
REQUEST FOR
EARTH REMOVAL SPECIAL PERMIT

A request in writing is to be submitted to the Building Inspector, 100 Peck Street, Seekonk, MA 02771. The request shall include:

a) Site location of the earth removal:
Plat and Lot Number_____
Street Address (required):_____
b) Name and Address of the legal owner of the land:
c) Name and address of petitioner, if different: _____
_____
d) Amount of earth to be removed (in cubic yards): _____
Type: Gravel, Fill, Loam, etc.
e) Location of where earth is to be moved to: _____
_____
f) Hours of operation shall be: _____AM to _____PM
g) Name and address of construction company to do the earth removal: _____
_____
h) Check where applicable:
1) _____ Moving of earth within the limits of an individual parcel or series of contiguous parcels of land in a single ownership.
2) _____ Removal of earth from the site (1) where a building is under construction pursuant to a building permit to the extent as may be necessary to install the foundation and basement of the building, septic system, sidewalks and driveway. (2) where a road is under construction pursuant to a permit or by governmental authority to the extent as may be necessary to complete the project as planned.
3) _____ The moving and removal of earth for any municipal purpose by or on behalf of the Town of Seekonk.
4) _____ A non-commercial operation of moving and removal of earth within the Town of Seekonk by one load not in excess of eight (8) cubic yards.
5) _____ Approved sub-division under five (5) house lots.
i) Signature of Representative_____
j) Date_____
Application Approved_____ Disapproved_____
Stipulations or Reasons for disapproval:
_____
_____
Inspector: _____ Date: _____

CATEGORY 17B – PLACEMENT OF FILL

Article I – DEFINITIONS
For the purpose of this By-law:
1. "Earth" shall include soil, loam, sand and gravel.
2. "Board" shall mean the Board of Selectmen of the Town of Seekonk.

Article II – PROCEDURE
A). No earth in an amount in excess of thirty (30) cubic yards shall be placed on any parcel of land within the Town of Seekonk unless such placement is authorized by a permit issued by the Board of Selectmen. No earth in an amount in excess of (30) cubic yards shall be placed in less than (30) cubic yard quantities over any period of time, deemed by the "Board" to be for the purpose of evading any of the provisions of this By-law. No such permit shall be issued, except as provided in Article III, until an application therefore is filed with the "Board" and the "Board" has held a public hearing on its application, after publication of the time, date and place, and reason for such public hearing has been advertised in one or more newspapers having general distribution in the Town, at least seven (7) days prior to said public hearing.

B). Applications for such permits shall be accompanied by exhibits and documentation deemed necessary by the "Board" for the proper issuance of a permit, which shall include the following:

1. Name and address of the legal owner of the land in question.
2. Name and address of petitioner, if different.
3. Proof by the applicant that all owners of record of abutting property have been notified by the applicant by registered or certified mail of the application for the permit.
4. Plans of the land prepared by a registered engineer or land surveyor and indicating: tract boundaries, adjacent streets and roads, the limits of the proposed fill, the locations of all structures within two hundred (200) feet of said limits, original topography by five-foot contours, proposed final contours at five-foot intervals, and the location and proposed use of all structures and buildings to be used in connection with the placement operation.
5. Statement of plans for the drainage of the site during and after the fill operation.
6. A copy of the plans referred to in above item four (4), shall be filed by the applicant with the Superintendent of Public Works & the Planning Board of the Town of Seekonk at least twenty-one (21) days prior to the date of the public hearing. It shall be the duty of the Superintendent of Public Works and the Planning Board to make written recommendations to the "Board" on the proposed placement.
7. Statement of origin of fill material.

Article III – LIMITATIONS

A). No permit for earth placement shall be issued if such placement will:

1. endanger the general welfare or safety or constitute a nuisance,
2. will result in detriment to the normal use of adjacent property by reason of noise, dust, or vibration,
3. result in traffic hazard in residential areas, or congestion and physical damage to public ways.

B). No permit for any earth placement shall be issued for more than one (1) year's duration, and may be renewed thereafter.

C). In approving the issuance of a permit, the "Board" shall impose all reasonable requirements which shall be deemed necessary by the "Board" and may include: grading, seeding, and planting, fencing necessary for public safety, methods of placement, locations and use of structures, hours of operation, routes of transportation of material, control of drainage, disposition of waste material incident to the operation, certification that the fill is in no way hazardous or environmentally unsuitable.

D). The "Board" may require suitable bond or other security adequate to assure compliance with any of the provisions of this by-law.

E). A special permit, not requiring a public hearing, shall be issued by the building inspector for the following:

1. Placement of earth to a site where a building is under construction pursuant to a building permit to the extent as may be necessary to install the foundation and basement of the building, septic system, sidewalks and driveway.
2. Placement of earth to a site where a road is under construction pursuant to a permit or by governmental authority to the extent as may be necessary to complete the project as planned.
3. The moving and placement of earth for any municipal purpose by or on behalf of the Town of Seekonk.

Article IV – VALIDITY

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

Article V – PENALTY
Any person, firm, or corporation willfully violating, disobeying or refusing to comply with any of the provisions of this By-law shall be prosecuted under the terms of General Laws, Ter. Ed., Chapter 40, Section 21, Paragraph 17, and shall be subject to a fine of not more than $100.00 for the first offense, not more than $200.00 for the second offense, not more than $300.00 for any subsequent offense.

The "Board" may revoke or suspend the permit of any person, firm, or corporation holding a permit under this by-law if such person, firm, or corporation violates, disobeys, or fails to comply with any of the provisions of this by-law.

Adopted: Article 21, June 8, 1998 Approved by Attorney General: August 27, 1998

New: This new By-law would regulate the bringing in and placement of fill in the Town for all non-permitted activity. There have been instances where individuals have brought in substandard amounts of fill to certain locations throughout the Town and have altered the landscape and caused potential and real nuisances for abutters. This permit would reasonably regulate this activity.

CATEGORY 18 – RIGHT OF WAY OPENING

Standards to be employed by Public Utilities and Contractors Restoring Street, Lanes and Highways in Municipalities

SECTION
1.0 Purpose and Scope
2.0 Definitions
3.0 Permit Requirements
4.0 Work Standards
5.0 Safety
6.0 Protection of Adjoining Facilities
7.0 Excavations
8.0 Backfill and Compaction
9.0 Pavement Restoration
10.0 Sidewalks and Driveways
11.0 Compliance with these Standards
12.0 Moratoriums
13.0 Violations

1.0 PURPOSE AND SCOPE

1.1 The purpose of these standards is to ensure that a Utility or Contractor, after excavating in any municipal street, lane and highway ("public ways"), restores such street, lane and highway to the same condition in which they were found before the excavation.

1.2 Nothing in these standards may be construed to restrict the Constitutional or statutory authority of cities or towns ("Municipalities") with respect to public ways. Nothing in these standards is intended to prevent a utility and the Superintendent from mutually agreeing to exceptions to these standards.

1.3 Nothing in these standards is intended to be inconsistent with any by-law and the constitution and laws of the State.

1.4 The Utility or Contractor is responsible for insuring compliance, for itself and its contractors, with these Standards. However, Utility or Contractor work may be inspected by the Municipality to assure that proper procedures are being followed. In the event a Utility or Contractor fails to comply with these standards a Utility or Contractor shall, at its own

expense, correct such failures.

Street Restoration Standards

1.5 The Board of Selectmen may promulgate rules and regulations, after conducting a public hearing, that are necessary to administer this bylaw.

2.0 DEFINITION

"AASHTO" means The American Association of State Highway and Transportation Officials.

"Clay" means very finely textured soil which, when moist, forms a cast which can be handled freely without crumbling/breaking; that exhibits plasticity; and when dried, breaks into very hard lumps (*i.e.*, high dry strength) and is difficult to pulverize into a soft, flour-like powder.

"Cold Patch" means a bituminous concrete made with slow curing asphalts and used primarily as a temporary patching material when hot mix plants are closed.

"Compaction" means compressing of suitable material and gravels that has been used to backfill an excavation by means of mechanical tamping to within 95% of maximum dry density as determined by the modified Proctor test in accordance with AASHTO, T180.

"Controlled Density Fill ("CDF")", also called flowable fill, means a mixture of portland cement, fly ash, sand and water. High air (25% plus) may be used instead of fly ash with an adjustment in sand content. CDF is hand-tool excavatable.

"Emergency Repair Work" means street opening work which must be commenced immediately to correct a hazardous condition whose continuation would unreasonably risk injury, loss of life or property damage.

"Gravel" means coarse to very coarse-grained soil ranging from approximately 0.1 inch to 3.0 inches. Gravel exhibits no plasticity.

"Infrared Process" means a recycling procedure whereby an infrared heater plasticizes the surface of an asphalt pavement, preparatory to the introduction of additional compatible paving materials uniformly re-worked and compacted to achieve a density and profile consistent and thoroughly integrated with the adjacent pavement.

"Municipality" means the Town of Seekonk acting through the Board of Selectmen or the Superintendent of Public Works.

"Newly Paved Road" means a road whose pavement surface is less than five years old.

"Organic Soil" means soil high in organic content, usually dark (brown or black) in color. When considerable fibrous material is the principal, constituent, it is generally classified as "peat." Plant remains or woody structures may be recognized and the soil usually has a distinct odor. Organic soil may exhibit little (or a trace of) plasticity.

"Permanent Patch" means a final repair of street opening work to be performed in accordance with these standards and intended to permanently return the opened portion of the roadway to as good a condition as it was prior to the performance of the street opening work.

"Permit" means a permit granted by a Municipality to a Utility or Contractor for permission to do street opening work in a public way.

"Plasticity" means that property of soil that allows it to be deformed or molded without crumbling (*e.g.*, like dough or soft rubber). This property reflects the capacity of soil to absorb moisture.

"Poorly Graded Soil" means soil that contains a large percentage of its constituent particles within a relatively narrow range; also referred to as "uniform" soil.

"Mass. Highway Standards" means the "Massachusetts Highway Department Standard Specifications for Road and Bridge Construction, 1997 (or more recent) edition."

"Sand" means coarse grained soil in which the individual grains can be visually detected. When moist, it forms a cast which will crumble when lightly touched; when dry, it will not form a cast and will fall apart when confining pressure is released. Sand exhibits no plasticity.

"Silt" means finely-textured soil. When moist, it forms a cast which can be freely handled; when wet, it readily puddles; when dry, it may be cloddy and readily pulverizes into powder with a soft flour-like feel (*i.e.*, low dry strength). Silt exhibits little or no plasticity.

"Street Opening Work" means any cutting, excavating, compacting, construction, repair or other disturbance in or under a public way together with restoration of the public way in accordance with these standards, municipal ordinances and any other applicable law following such disturbance.

"Superintendent" means the Superintendent of the Department of Public Works of the Town of Seekonk or his/her designee.

"Temporary Patch" means the interim application of either cold patch or Type I bituminous concrete compacted to achieve a density equal to that of the surrounding pavement.

"Utility or Contractor" means any corporation, partnership or other organization or any individual engaged within the State in any business which is, or the persons engaged in which are, in any respect made subject to the supervision or regulation by the MA PUC. For the purposes of these Standards, a Utility or Contractor shall also mean any person or entity engaged by or on behalf of a Utility or Contractor to perform Street Opening Work.
"Well Graded Soil" means soil having its constituent particles within a wide range also referred to as "non-uniform" soil.

3.0 PERMIT REQUIREMENTS

The Superintendent, upon approval by the Board of Selectmen, may incorporate in permit procedures the portions of these standards that shall apply to Utility or Contractor excavations within the Municipality's jurisdiction. A Permit may be issued with the stipulation that it may be modified or revoked with just cause at any time at the discretion of the Board of Selectmen or the Superintendent without rendering the Municipality liable in any way. It is recognized that the Municipality shall have the authority to inspect work in progress and the utility shall correct any deficiencies identified during said inspections. The following are the requirement that the Municipality may require of a Utility or Contractor when granting Permits.

3.1 The work shall be performed in accordance with plans on file with the Municipality.

3.2 The Utility or Contractor shall notify the Municipality two (2) days prior to the start of work. No work shall be authorized or proceed (except Emergency Repair Work) without said notification.

3.3 The Utility or Contractor shall notify Dig Safe, in accordance with MGL Ch.82 Sec 40, at least 72 hours prior to the start of work for the purpose of identifying the location of underground utilities.

3.4 The Utility shall be responsible to contact the Municipality regarding the field location of any underground traffic control devices on this project.

3.5 A copy of the Permit must be on the job site at all times for inspection (exception for

emergency repair work). Failure to have the Permit available could result in suspension of the rights granted by the Permit.

3.6 Work, day, and time constraints shall be conditions of the Permit.

3.7 If it becomes necessary to open the roadway surface in a larger area than specified in the Permit, the Utility or Contractor shall apply to the Municipality to amend the Permit to cover the project.

3.8 The Utility or Contractor shall notify the Municipality within 14 days after completion of the physical work.

3.9 No portion of the work shall be sublet to any subcontractor without first giving the permitting authority due notice in writing of such intention. No subcontractor shall be employed who is unsatisfactory to the Municipality.

3.10 he contractor shall employ only competent and efficient laborers and first-mechanics or artisans for every kind of work, and whenever, in the opinion of the permitting authority, any person is unfit to perform their task, or does their work contrary to directions, or conducts themselves improperly, the contractor must remove that person from the job site

3.11 Before any work is started under this application, the applicant shall provide a bond and/or certificate of insurance indicating insurance is in effect and shall not be discontinued or canceled without 14 days notice to the municipality for insurance in the amount of at least: General Insurance $1,000,000.00 per occurrence, $3,000,000.00 general aggregate, Auto liability of $1,000,000.00 combined single limit, Workers compensation limits of Statutory benefits and $500,000.00 of Employers liability insurance, AND A $1,000,000.00 Umbrella policy. Explosion, Collapse and Underground Liability shall be included.

4.0 WORK STANDARDS

4.1 All work shall be in compliance with the Mass Highway Standards as it pertains to utility and street excavations and repairs unless modified by these standards. Utilities or Contractors should check with local permitting authorities for performance specifications

4.2 The Utility or Contractor shall be responsible for any settlement that may occur as a result of the work done in accordance with the Permit.

4.3 The Utility or Contractor shall be responsible for the ponding of water that may develop within the roadway which was caused by this work.

4.4 In the event a street opening failure presents a nuisance or a public safety problem, the Utility or Contractor shall respond to all trench restoration requests by the Municipality within 48 hours. Non-response within the specified time will result in the required restoration work being done by the Municipality, with all expenses to be paid by the Utility or Contractor. The Utility or Contractor shall reimburse the Municipality for the invoiced amount within thirty (30) days.

4.5 Failure to respond to trench restoration requests may result in denial of future Permit requests.

5.0 SAFETY

5.1 Provisions shall be made for the safety and protection of pedestrian traffic during the construction period.

5.2 Prior to excavating the Utility or Contractor shall be responsible to schedule all traffic detail officers,

furnish and erect all required signs, traffic safety devices, and whenever possible maintain a normal

traffic flow.

5.3 Cones and non-reflecting warning devices shall not be left in operating positions on the highway when the

daytime operations have ceased. If it becomes necessary for the Municipality to remove any construction

warning devices or the appurtenances from the project due to negligence by the Utility or Contractor, all

costs for this work will be charged to the utility. occupy the roadway and shall be available for use at all

5.4 Flashing arrow boards will be used as directed when operation occupy the roadway and shall be available for use at all times.

5.5 All signs and devices shall conform to the 1988 edition, Revision 3, or subsequent current edition, of the Manual on Uniform Traffic Control Devices (MUTCD).

5.6 Efforts shall be made to maintain normal traffic flow, but interruptions or obstructions to traffic shall be defined by conditions of the Permit.

5.7 When, in the opinion of the Municipality, the work constitutes a hazard to traffic in any area the Utility or Contractor may be required to suspend operations during certain hours and to remove any equipment from the roadway.

5.8 When a snow or ice condition exists during the progress of this work, the Utility or Contractor shall keep the area affected by the work safe for travel. The Municipality may restrict work during snow, sleet, or ice storms and subsequent snow removal operations.

5.9 The highway surface shall be kept clean of debris at all times and shall be thoroughly cleaned at the completion of the work.

5.10 At the completion of the work done in accordance with the Permit, all disturbed areas shall be restored to a condition equal in kind to that which existed prior to the work.

5.11 Blasting, if necessary, shall be done in accordance with state law and local By-Laws.

5.12 All federal, state, and local safety regulations shall be followed.

5.13 In connection with the Permit, the Utility or Contractor shall assume responsibility for risks and casualties of every description, for loss or injury to persons and property arising out of the nature of the work, from the action of the elements or from any unforeseen or unusual difficulty.

6.0 PROTECTION OF ADJOINING FACILITIES

6.1 If directed by the Municipality, photographs shall be taken prior to the start of work to insure restoration of designated areas to their former conditions within the limits of the work areas. Copies of the photographs shall be delivered to a place designated by the Municipality.

6.2 Care must be taken to not interfere with underground structures that exist in the area.

6.3 Care shall be exercised not to disturb (a) any subsurface traffic duct system. Any such system, if disturbed, shall be restored immediately to its original condition; (b) any traffic loop detector. Any such detector, if disturbed, shall be replaced immediately.

6.4 The Utility or Contractor shall be responsible to replace all pavement markings in kind which have been disturbed as a result of work done in accordance with the Permit. These pavement markings shall be temporarily replaced at the end of each work day by use of appropriate signage, lighted safety barrels and asphalt markings approved by the Municipality. These pavement markings shall be permanently restored within ten (10) days after the work has been completed or as deemed necessary by the Municipality.

6.5 Existing guardrail that may be removed or damaged shall be replaced to current Mass Highway Standards.

6.6 The Utility or Contractor will be responsible for any damage caused by its operation to curbing, structures, roadway, etc.

6.7 No trees shall be cut or removed under this Permit.

6.8 Hand digging shall be required around roots of trees.

6.9 Tree Removal

6.9.1 The Utility or Contractor shall obtain written permission from the tree warden of the Municipality if it becomes necessary to remove any tree. Replacement trees must be obtained from an established nursery in accordance with "USA Standard for Nursery Stock". The trees will be replaced in size and species as directed by said tree warden.

6.9.2 The tree stump shall be removed a minimum of six inches below the surrounding surface and all debris shall be disposed of outside the right-of-way line.

6.9.3 The tree shall be removed under the supervision of a qualified tree surgeon.

6.10 Every effort shall be made to protect bound markers. However, if it becomes necessary to remove and reset any bound marker, the Utility or Contractor shall hire a Massachusetts Registered Professional Land Surveyor to perform this work. It shall be the responsibility of this land surveyor to submit to the

Municipality a statement in writing and a plan containing his stamp and signature showing that said work has been performed.

7.0 EXCAVATIONS

7.1 The surface of a roadway to be excavated for utility or other work shall be cut in reasonably straight and parallel lines using a jack hammer, saw or other accepted method to insure the least amount of damage to the roadway surface. The pavement, including reinforcing steel on concrete roadways, shall be cut the full depth of surfacing. The excavation shall only be between these lines. The cutting operation shall not be done with a backhoe, gradall or any type of ripping equipment.

7.2 Steel plates used by a Utility or Contractor to protect an excavation shall be of sufficient thickness to resist bending, vibration, etc., under traffic loads and shall be anchored securely to prevent movement. If these conditions are not met, the Utility or Contractor will be required to backfill and pave the excavations daily. No open trench shall be left unattended overnight.

7.3 Sheeting, shoring or bracing, if employed, shall be left in place and cut off two (2) feet below the surface at the discretion of the Municipality.

7.4 When a Utility or Contractor installs a service lateral to a customer an opening may be made over the common supply line to make the proper connection, but the service should be bored or driven the remainder of the way where possible.

7.5 Excavations shall be signed in accord with the applicable MUTCD standards.

8.0 BACKFILL AND COMPACTION

In restoring municipal streets, lanes and highways, Utilities or Contractor may utilize approved backfill material compacted to achieve soil density values of 95% modified Proctor density (as described in AASHTO T180), which may include, as the conditions warrant and in the discretion of the Municipality, the use of Controlled Density Fill.

8.1.1 Backfill shall be placed in uniform layers, not exceeding twelve inches (12") in depth, and each layer shall be mechanically tamped to assure adequate compaction. The top twenty inches (20") of trench backfill shall consist of the following: 1) Fifteen inches (15") of approved select gravel (placed and compacted in two uniform layers) and 2) Five inches (5") of bituminous concrete Type I pavement (placed and compacted in two (2) equal layers).

8.2 Street Restoration Standards

Compliance with these standards will insure satisfactory compaction. These standards are to be used in the field when there is an absence of sieve analysis of materials, Proctor values of the soils and the corresponding inability to utilize a nuclear density gauge or sand cone field density test. The Utility or Contractor shall have the right, at its own expense, to verify compaction through an independent, qualified engineering consulting firm. In the event of test failure, the Utility or Contractor shall be responsible for re-compacting the excavation to meet the required standards.

8.3 Suitability of Backfill Material

8.3.1 This section addresses suitability of materials to obtain an adequate level of compaction.

8.3.2 Suitable backfill material is free of stones larger than half the size of the compacted lift as provided for in Mass Highway Standards, construction debris, trash, frozen soil and other foreign material. It consists of the following:

1. Well graded gravel and sand;
2. Poorly graded gravel and sand;
3. Gravel-sand mixtures with a small amount of silt;
4. Gravel-sand mixtures with a small amount of silt and trace amounts of clay.

8.3.3 Unsuitable backfill materials consist of the following:

1. Inorganic silts and clays;
2. Organic silts;

3 Organic soils including peat, humus, topsoil, swamp soils, mulch, and soils containing leaves, grass, branches, and other fibrous matter.

8.4 EVALUATION OF EXCAVATED SOIL

8.4.1 The soil excavated from a trench shall be evaluated by the Municipality to determine whether or not it is suitable as a backfill in accordance with Subsection.

8.4.2 An excavated soil that has been evaluated as suitable for backfill shall be reused.

8.4.3 The Utility or Contractor shall have the right, at its own expense, to verify backfill suitability through an independent, qualified engineering consulting firm.

8.4.4 An excavated soil that has been evaluated as unsuitable for backfill shall be removed from the site and disposed of properly.

8.4.5 New material, which meets the requirements of Subsection 8.3, shall be brought in to replace excavated soil found to be unsuitable.

8.5 BACKFILL AND COMPACTION OF EXCAVATIONS

8.5.1 Backfill and compaction shall be performed in accordance with Mass Highway Standards.

8.5.2 All leak detection holes (*i.e.,* bar holes) shall be filled in lifts with an appropriate mineral filler and compacted to the bottom of the pavement.

8.6 If required by the Municipality, compaction verification shall be performed by the Utility or Contractor to assure that 95% modified Proctor density has been achieved.

8.7 A color coded marking tape shall be placed at least eighteen inches (18") and not greater than two and one-half feet (2 ½') below final grade above all underground utility installations except sewers and drains running in straight lines between surface catch basins, manholes, or posts identifying the underground installation. Tape shall be durable, non-degradable plastic, not less than two inches (2") wide by .004 inches thick and in the following colors for the particular underground utility:

Blue	-	Water
Red	-	Electric Cable
Yellow	-	Gas
Orange	-	Telephone
Green	-	Sewer

9.0 PAVEMENT RESTORATION

9.1 The Utility or Contractor shall be responsible to replace all pavement disturbed by work under the Permit with homogeneous and in-kind pavement, unless otherwise stipulated, to the original strength and condition.

9.2 Single gradation (Type 1, surface course) bituminous concrete patches may be used when the existing pavement depth is less than three inches (3"), provided that the new patch is installed to a depth 1 inch (1") greater than the surrounding pavement.

9.3 Single gradation (Type 1, binder course) bituminous concrete may be used where post grind and inlay method is a condition of the Permit. Minimum allowable depth of pavement shall be four inches when utilizing the grind and inlay method. When the grind and inlay method is performed, the surface of the pavement shall be uniformly ground and removed to a minimum depth of one point five inches (1.5") for subsequent pavement replacement. The grinding procedure shall provide a twelve inch (12") cutback into existing undisturbed pavement and shall encompass all disturbed pavement areas of the excavation. Grinding shall be done in reasonable straight lines.

9.4 All non-emergency pavement excavations shall be repaired with same day permanent patches unless specifically exempted in the permit.

9.5 Same day patches installed in conformance with these standards must be monitored for a period of two (2) years, and are subject to re-excavation and repair in accordance with all other standards set forth herein. Restoration of single patches up to five feet by seven feet (5' X 7') in area shall be by the infrared method, unless another method is agreed to by the Municipality.

9.6 Immediately following the procedures outlined in the section for Backfill and Compaction, the adjacent pavement shall be cut back, full depth, to encompass all disturbed pavement areas and underlying cavities associated with the excavation. Any necessary cutbacks shall be done in reasonably straight and parallel lines.

9.7 All existing pavement surfaces shall be swept clean of dirt, dust, and debris prior to patching. The existing vertical pavement surfaces shall be tack coated with an appropriate asphalt tacking material prior to patching and subsequent to cleaning.

9.8 Pavement repair depths shall equal or exceed adjoining pavement depths. When existing pavement depths are greater than two inches (2"), pavement repairs shall be made utilizing Type 1, binder course in the underlying patch courses. The wearing surface shall be a minimum 1.5 inches (1.5") of Type 1, surface course. Pavement courses shall not exceed two inches. All pavement courses shall be thoroughly

compacted prior to placement of subsequent courses.

9.9 If the length of the trench for any permit exceeds the width of the roadway of that area, one and one half feet (1 ½') asphalt repaving of the traffic lane impacted will be required. This may include cold planing of the existing pavement if it is deemed necessary by the permitting authority. Appropriate keyways shall be used where new pavement joins with existing pavement. Joints shall be treated with an infrared restoration process approved by the permitting authority for pavement less than five (5) years old. Joints shall be treated with a joint sealant approved by the permitting authority for pavement greater than five (5) years old.

9.9.1 On streets that have been resurfaced within the previous five (5) years, the entire width of the roadway shall be overlaid with a fifteen inch (15") machine laid dense mix conforming to Massachusetts Highway Department standards. Where the trench is to one side of the street or perpendicular to the direction of traffic, the width of the fifteen inch (15") overlay shall be a minimum pf twelve feet (12'), (six feet (6') either side of the center line of the trench where possible) unless approval to omit the overlay has been granted in writing by the Public Works Superintendent.

9.9.2 In no instance shall the thickness of the patch be less than the thickness of the surrounding concrete surface, a six inch (6") cement slab shall be placed over the trench. This concrete slab shall consist of 3000-PSI early strength, air –intrained concrete, and shall extend a minimum of one foot (1') onto the original ground beyond either side of the trench. This slab shall have steel reinforcing for tensile strength placed in accordance with good engineering practice. The top of the concrete must remain at least four inches (4") below the grade of the existing pavement.

9.9.3 If utility manholes or castings have to be raised or otherwise adjusted in height or location, the existing pavement shall be removed for a minimum distance of two feet (2') from the edge of the casting. The thickness of the bituminous concrete paving within this area shall be gradually transitioned from four inches (4") minimum at the perimeter of the patch to the full depth of the casting. This area near the casting should be compacted with extra care to assure that good densification occurs around the manhole.

9.10 All leak detection holes (*i.e.*, bar holes) shall be filled to refusal with an appropriate asphalt filler to a depth equal to the surrounding pavement depth.

9.11 Temporary pavement repairs shall be permitted under the following conditions:

a. Emergency Repair Work completed outside normal Monday through Friday working hours.
b. Work performed between December 1 and March 30 when, bituminous concrete is not available on a daily basis.
c. Excavation which shall be reopened within five (5) working days.

9.12 The Utility or contractor shall make every effort to limit excavations conducted under the aforementioned conditions.

9.13 All excavation, backfill, and compaction work associated with temporary patches shall be performed in accordance with these standards.

9.14 Temporary patches shall be made with high-performance cold patch or Type 1, bituminous concrete to a Minimum depth of two (2") inches. Temporary patches made between December 1 and March 30 shall be maintained until a permanent patch can be installed, not later than May 1. Temporary patches made between April 1 and November 30 shall be removed and replaced with a permanent patch as outlined above within five (5) working days.

9.15 The Utility or Contractor shall be responsible to maintain temporary patches in a safe condition for all types of travel until a permanent pavement repair has been made.

9.16 The Municipality shall have jurisdiction to determine the pavement repair method to be utilized on all pavements which have been installed for less than five years (5).

9.17 Completed pavement repairs shall not deviate more than zero point two five inches (0.25") from the existing street surface.

9.18 No less than thirty (30) days and no more than sixty (60) days from the completion of the permanent pavement repair, the Utility or Contractor shall inspect the excavation for settlements, cracking and other pavement defects. Any such excavation which has required repair shall then be re-inspected no less than thirty (30) days and no more than sixty (60) days from the completion of the subsequent repair. The Utility or Contractor shall further inspect all excavations after a one-year time period. Pavements that deviate more than zero point two five inches (0.25") from the existing street surface shall be repaired by the infrared or grind and inlay methods. Surface or joint cracking zero point two five inches (0.25") wide or greater shall be repair utilizing a modified asphalt pavement sealant.

9.19 The Utility or Contractor shall prepare, document and maintain records of these inspections and make them available to the Municipality upon request.

9.20 All excavations made within concrete roadways shall be repaired with concrete in depths equal to the existing concrete.

9.21 Concrete used for repairs shall conform to the requirements of Mass Highway Standards for concrete roadway construction.

9.22 Clean Up

9.22.1 The work area and the adjacent areas affected by the progress of the work shall be kept clean. All rubbish, surplus materials and unneeded construction equipment shall be removed. All damage to adjacent areas shall be repaired immediately so as to minimize inconvenience to the general public and the property owners.

9.22.2 All damage repairs shall be the sole responsibility of the contractor.

9.22.3 Material or debris from the contractor's operations which have washed into, flowed into, or been placed in water courses, ditches, gutters, sanitary sewers, drains, catch basins, or elsewhere, shall be removed entirely and satisfactorily disposed of during the progress of the work. The water courses, ditches, gutters, sanitary sewers, drains, catch basins, and other repositories of material or debris shall be kept in a clean and neat condition thereafter. The contractor shall restore or replace, at the direction of the Municipality, any public or private property damaged by the work, equipment, or employees to a condition at least equal to the condition existing immediately prior to the beginning of operations. To this end, the contractor shall complete all required driveway, highway, front walk and landscaping work. Suitable materials, equipment and methods shall be used for such restoration. The contractor shall save harmless the Municipality from any damage claims caused by the operations.

10.0 SIDEWALKS AND DRIVEWAYS

10.1 All work shall be performed in accordance with 521 CMR Rules and Regulations of the Architectural Access Board (AAB) and Americans with Disabilities Act (ADA), and Mass Highway Standards, as well as any more stringent municipal guidelines.

10.2 New or repaved driveways that will meet an existing finished pavement grade must have a minimum 5% slope for a minimum of 5' toward the finished pavement.

10.3 A sidewalk area that is disturbed shall be restored, full width, in kind a minimum of one foot beyond the disturbed area for bituminous concrete and to the next joint line for concrete.

10.4 Bituminous concrete sidewalks shall be placed in two equal one and one half inch to two inches (1 ½" to 2") layers after compaction.

10.5 Concrete sidewalks shall be placed, full width, four inches (4") minimum thickness or match the existing thickness of concrete. Driveway aprons shall be placed, full width, six inches (6") minimum thickness or match the existing thickness of concrete.

11.0 COMPLIANCE WITH THESE STANDARDS

11.1 Utilities or Contractor shall file with the Department, by May 1 of each year, written statements or policies designed to insure that managers, supervisors and other distribution personnel are aware of, and held accountable to, these Standards.

11.2 Utilities or Contractor shall track the success and failures of their programs to include the restorations and the inspections of such restorations. Utilities or Contractor shall specify the number of failed restorations compared to the total number of restorations made during the preceding calendar year, the number of failures reported by a party other than a utility inspector and the age of the failed restoration.

11.3 Utilities or Contractors shall record the number of failed restorations encountered during the inspections required in Section 9.19. They shall also document the cause of the failure and their policy changes to prevent the recurrence of a similar failure.

11.4 Utilities or Contractors shall record the number of failed restorations and cost incurred when Municipalities perform the corrective action in accordance with Section 4.4.

12.0 MORATORIUMS

12.1 Whenever the Board of Selectmen has approved the plans to resurface or reconstruct a street, the Superintendent will, within thirty (30) days of such action by the Board of Selectmen, give

notice to the Town departments, the Seekonk Water District and other utilities, and the owner of each parcel of real estate that has frontage on such street. Upon receipt of such notice, such department, utility or owner (collectively referred to as "Person") shall have sixty (60) days in which to install or lay any pipes, wires or other facilities under the roadway. If an extension of time is needed by a Person for the installation of such facilities, the Person shall make a written application to the Superintendent explaining fully the reasons for requesting such an extension of time.

12.2 NO PERMIT SHALL BE GRANTED TO OPEN A STREET THAT HAS BEEN RESURFACED OR RECONSTRUCTED FOR A PERIOD OF FIVE (5) YEARS UNLESS IN THE JUDGEMENT OF THE SUPRINTENDENT AN EMERGENCY CONDITION EXISTS.

12.3 Notwithstanding the provisions of Paragraph 12.2, a permit may be granted to the owner of any parcel of real estate that has frontage on a street that we resurfaced or reconstructed between the dates of July 1, 2008 and November 30, 2010,provided that the owner submits an application for a permit before February 1, 2011, and demonstrates that the need to open a street was not reasonably foreseeable at the time that the street was resurfaced or reconstructed.

12.3.1 If a permit is granted, the Municipality may impose such conditions on the Permittee as the Municipality deems necessary to preserve the structural condition of the pavement and to blend the permanent patch with the existing affected pavement.

12.3.2 The Permittee shall guarantee the integrity of the permanent patch and the existing affected pavement through a surety determined by the Superintendent for a period extending one year beyond the end of the moratorium date for that section of road.

13.0 VIOLATIONS

Any person who violates any provision of this bylaw, or permit issued there under, shall be punished by a fine of not more than $300. As an alternative to criminal prosecution or civil action, the Town of Seekonk may elect to utilize the non-criminal disposition procedure set forth in M.G.L. c.40 s. 21C and CATEGORY 39 Enforcement of the General Bylaws of the Town of Seekonk, in which case the Superintendent shall be the enforcing party. The penalty for the first violation shall be $100. The penalty for the second violation shall be $200. The penalty for the third and subsequent violations shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

Article 5 adopted by Special Town Meeting: January 23, 1989
Approved by Attorney General: March 16, 1989
Amended: Article 22, June 8, 1998
Approved by Attorney General: August 27, 1998
Amended: Article 1, May 16, 2006
Approved by Attorney General: September 11, 2006
Replaces Curb Cuts Category
Amended: Article 19, November 29, 2010
Approved by Attorney General: March 8, 2011
Amended Art. 14 November 28, 2011
Approved by Att. Gen: January 20, 2012
Amended Art.18: June 11, 2012
Approved by Att. Gen. July 18, 2012

CATEGORY 18A-CURB CUTS AND DRIVEWAYS

1.0 PURPOSE & SCOPE:

1.1 The purpose of this bylaw is: to provide the necessary safeguards to the Town's right of ways while serving its property owners with an orderly means to access their property.

2.0 DEFINITIONS:

CURB CUT-means the location where a town street or way intercepts with a parcel of land to provide the location for a driveway.

DRIVEWAY-means a private entrance serving as a means of a vehicular access to a parcel of land abutting a town street or way.

PROPERTY OWNER-means the owner of Real Estate including, Residential, Commercial or Industrial property.

3.0 PERMIT REQUIREMENTS

3.1 All property owners are required to apply to the Superintendent of Public Works for a permit for any of the following:

A. New construction
B. Replacement of existing driveway
C. Installation of new driveway

3.2 No application fee or per square foot charge shall be assessed to a property owner for a cub cut or driveway permit.

3.3 All work shall be performed in accordance with the regulations set forth in the general By-Law Category 18-Right of Way Openings.

3.4 The property owner shall be responsible for maintaining the affected area of the town's right of way in a safe and suitable condition for vehicles and pedestrians for a period of five (5) years commencing at the completion of the work as determined by the Superintendent of Public Works. A property owner who fails to maintain the affected area of the town's right of way in a safe and suitable condition, will be subject to and responsible for the following:

A. Payment to the Town of Seekonk for all repairs necessary as a result of unsafe or unsuitable work in the town's right of way performed pursuant to the issuance of a curb cut or driveway permit.
B. Civil Fines as described in Category 18 Section 13.0. In addition, any person who violates any provision of this bylaw or permit issued hereunder shall be punished by a fine of not more than $300.00. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the non-criminal disposition procedure set forth in M.G.L.,c.40s.21C and Category 39 Enforcement of the General Bylaws of the Town of Seekonk, in which case the Superintendent of the Department of Public Works shall be the enforcing party. The penalty for the first violations shall be $100.00, the penalty for the second violation shall be $200.00, the penalty for the third and subsequent violations shall be $300.00 Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

3.5 The Board of Selectmen may promulgate rules and regulations stated in the permit which are necessary to administer this By-Law, after conducting a public hearing.

Article 19: June 11, 2012 town meeting Approved Att. General July 18, 2012

CATEGORY 19-DEPOSITING SNOW ON TOWN STREETS

No person other than an employee in the service of the Town or an employee in the service of a private contractor acting on behalf of the Town shall pile, push or plow snow or ice onto Town property.

Whoever violates this by-law shall be punished by a fine of not more than one hundred and fifty ($150.00) dollars per offense.

Article 6 adopted by Special Town Meeting: January 23, 1989 Approved by Attorney General: March 16, 1989
Amended: Article 23, June 8, 1998 Approved by Attorney General: August 27, 1998

CATEGORY 20 - WATER DISCHARGED

No person shall pump, drain or discharge water or cause to be pumped, drained or discharged upon any street or other public place in the Town of Seekonk without receiving prior written approval from the Superintendent of Public Works restricting the time and manner of said discharge. Under no circumstances shall said discharge cause a public inconvenience or interfere with the safety of the public.

The Penalty for violation of the foregoing shall be not more than fifty dollars ($50.00), for each actual day of violation and the actual cost to repair damage.

However, in the case of pumping ground water due to infiltration of a residential dwelling, the homeowner and the Superintendent of Public Works, and the Town Engineer shall make recommendations to resolve the situation in the best interest of both parties. The Penalties for discharging ground water from a residence on to a street or other public place shall only be enforced if the residential owner, upon meeting with the Superintendent of Public Works and the Town Engineer refuses to cooperate and enact any reasonable and viable solution recommended by the Superintendent of Public Works and/or the Town Engineer.

Adopted: Article 24, June 8, 1998 Approved by Attorney General: August 27, 1998

CATEGORY 20A – ILLICIT CONNECTIONS AND DISCHARGES TO THE STORM DRAIN SYSTEM

SECTION 1. PURPOSE AND AUTHORITY

1. PURPOSE

The purpose of this By-Law is to regulate illicit connections and discharges to the storm drain system, which is necessary for the protection of Seekonk's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

The objectives of this By-Law are:

1. To prevent pollutants from entering Seekonk's municipal separate storm sewer system. (MS4);
2. To prohibit illicit connections and unauthorized discharges to the MS4;
3. To require the removal of all such illicit connections;
4. To comply with state and federal statutes and regulations relating to storm water discharges; and
5. To establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.
6. To prevent contamination of drinking water supplies.

2. AUTHORITY

The Board of Health and Department of Public Works shall administer, implement and enforce this by-law. Any powers granted to or duties imposed upon the Board of Health or the Department of Public Works may be delegated in writing to employees or agents by the Board of Health or the Department of Public Works.

SECTION 2. DEFINITIONS

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

"Authorized Enforcement Agency": The Board of Health or the Department of Public Works, 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 storm water runoff.

"Clean Water Act:": The Federal Water Pollution Control Act (33 U.S.C. s 1251 et seq.) As hereafter amended.

"Discharge of Pollutants": The addition from any source of any pollutant or combination of pollutants into storm drain systems or into the waters of the United States or Commonwealth from any source.

"Groundwater": All water beneath the surface of the ground.

"Illegal Discharge": Any direct or indirect non-storm water discharge to storm drain systems, except as specifically exempted in Section 6. The term does not include a discharge in compliance with an NPDES Storm Water

Discharge Permit or resulting from fire fighting activities exempted pursuant to Section 6, subsection 4, of this ordinance.

"Illicit Connection": Any surface or subsurface drain or conveyance, which allows an illegal discharge into storm drain systems. Illicit connections include conveyances which allow a non-stormwater discharge to storm drain systems including sewage, processed 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 ordinance.

"Impervious Surface": Any material or structure on or above the ground that prevents water from infiltrating the underlying soil.

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

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

"Non-Storm Water Discharge": Any discharge to the storm drain systems not composed entirely of storm water.

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

Pollutant: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or non point source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include:

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, ordinances, accumulations and floatables;
5. Pesticides, herbicides, and fertilizers;
6. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
7. Dissolved and particulate metals;
8. Animal wastes;
9. Rock; sand; salt; soils;
10. Construction wastes and residues;
11. And noxious or offensive matter of any kind.

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

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

Storm water: Runoff from precipitation or snow melts.

Storm Drain System: The system of conveyances designed or used for collecting or conveying storm water, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system on public or private ways within the Town of Seekonk.

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 40.000.

Uncontaminated: Water containing no pollutants.

Watercourses: 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.

SECTION 3. APPLICABILITY

This by-law shall apply to flows entering the municipally owned storm water and drainage system on public or private ways within the Town of Seekonk.

SECTION 4. REGULATIONS

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

A). Remediation of Illicit Connections

1. If an illicit connection is found to be from a septic system or other septic waste sources; remediation must commence within forty eight hours (48) and be completed in seven (7) days.
2. If an illicit connection is found to be from a gray water source such as washing machine water, a sink or a similar discharge, remediation must begin within forty eight hours (48) and be completed within seven (7) days.
3. If an illicit connection is found to be from a sump pump or similar discharge, the property owner must eliminate the connection, acquire the proper permit, conform to other requirements stated herein, and remediation completed in ninety (90) days.
4. A control manhole shall be installed at the property line before water is discharged into a catch basin or waterway. The manhole will also have a Tee connector installed vertically to act as an oil water separator. A light weight cover shall be provided to allow access for inspection purposes.

All cost associated with corrective measures are the sole responsibility of the homeowner.

SECTION 5. PROHIBITED ACTIVITIES

A). ILLEGAL DISCHARGES

No person shall dump, discharge, cause or allow to be discharged any pollutant or non-storm water discharge into storm drain systems, watercourse, or into the waters of the Commonwealth.

B). ILLICIT CONNECTIONS

No person shall construct, use, allow, maintain or continue any illicit connection to storm drain systems, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

C). OBSTRUCTION OF STORM DRAIN SYSTEMS

No person shall obstruct or interfere with the normal flow of storm water into or out of storm drain systems without prior approval from the Board of Health or the Department of Public Works or its designated agent.

D). EXEMPTIONS

This by-law shall not apply to any of the following non-storm water discharges or flows provided that the source is not a significant contributor of a pollutant to storm drain systems.

1. Municipal waterline flushing;
2. Discharges from landscape irrigation or lawn watering;
3. Water from individual residential car washing and temporary fund-raising car wash events.
4. Discharges from de-chlorinated swimming pool water provided it is allowed to stand for one week prior to draining, or tested for chlorine levels with a pool test kit prior to draining (less than one parts per million chlorine), and the pool is drained in such a way as not to cause a nuisance;
5. Discharges from street sweepers of minor amounts of water during operations;
6. Discharges or flows resulting from fire fighting activities;
7. Non- storm water discharges permitted under a NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations.

E). EXEMPTIONS with Permit from Board of Health or the Department of Public Works.

This by-law shall not apply to any of the following non-storm water discharges or flows provided that the source is not a significant contributor of a pollutant to storm drain systems, provided that a permit is approved by the Board of Health or the Department of Public Works.

1. Flows from potable water sources;
2. Springs;
3. Natural flows from riparian habitats and wetlands;
4. Diverted stream flows;
5. Rising ground water;
6. Uncontaminated ground water infiltration as defined in 40 CFR 35.2005 (20), or uncontaminated pumped groundwater.
7. Uncontaminated groundwater discharge from a sump pump, with approved spill containment area for oil tanks, a containment area surrounding sump pump basins and a permit from the Board of Health or the Department of Public Works, in accordance with Section 5;
8. Water from exterior foundation drains, footing drains (not including active ground water dewatering systems, such as dewatering excavations for foundation or pipelines), crawl space pumps, or air conditioning condensation;
9. Dye testing, provided verbal notification is given to the Board of Health or the Department of Public Works prior to the time of the test.

The Board of Health or the Department of Public Works shall develop criteria for issuing permits under this section, based on the need to maintain capacity of the storm drain system and to protect public health, safety, welfare or the environment.

SECTION 6. SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

1. The Board of Health or the Department of Public Works may suspend storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened illegal discharge that presents or may present 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.

2. Any person discharging to a municipal storm drain system in violation of this By-Law may have their storm drain system access terminated if such termination would abate or reduce an illicit discharge. The Board of Health or the Department of Public Works will notify a violator of the proposed termination of storm drain system access. The violator may petition the Board of Health or the Department of Public Works for reconsideration and hearing. A person commits an offense if the person reinstates storm drain system access to premises terminated pursuant to this section, without prior approval from the Board of Health or the Department of Public Works.

SECTION 7. NOTIFICATION OF SPILLS

Not with standing any other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected

release of materials at that facility operation which is resulting or may result in illegal discharge of pollutants that 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 department, Department of Public Works and Board of Health. In the event of a release of non-hazardous material, said person shall notify the Authorized Enforcement Agency no later than the next business day.

Written confirmation of all telephone, facsimile or in person notifications shall be provided to the Authorized Enforcement Agency within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 8. ENFORCEMENT

1. REGULATORY CONTROLS

The Board of Health, the Department of Public Works or its authorized agent shall enforce this by-law, and the regulations promulgated there under, as well as the terms and conditions of all permits, notices, and orders, and may pursue all civil and criminal remedies for such violations.

2. CIVIL RELIEF

If anyone violates the provisions of this by-law, regulations, permit, notice, or order issued there under, the Board of Health or the Department of Public Works shall issue a stop work order to restrain the person from activities which would create further violations or compelling the person to abate or remediate the violation.

3. ORDERS

The Board of Health or the Department of Public Works may issue a written order to enforce the provisions of this by-law or the regulations there under, which may include:
(a.) elimination of illicit connections or discharges to the storm drainage system; (b.) termination of access to the storm drainage, (c.) performance of monitoring, analysis, and reporting; (d.) cessation of unlawful discharges, practices, or operations; and (e.) remediation of contamination in connection therewith. If the Board of Health or the Department of Public Works determines that abatement or remediation of contamination is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. 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 Health or the Department of Public Works 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 Health or the Department of Public Works affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Chapter 59, s 57 after the thirstiest (30) day at which the costs first become due.

4. CRIMINAL AND CIVIL PENALTIES

Any person who violates any provision of this by-law, valid regulation, or the terms or conditions in any permit or order prescribed or issued there under, shall be subject to a fine not to exceed three hundred dollars ($300.00) for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the town in any court of competent jurisdiction.

5. NON-CRIMINAL DISPOSITION

As an alternative to criminal prosecution or civil action, the Town of Seekonk may elect to utilize the non-criminal disposition procedure set forth in G.L. Chapter 40, s 21D. The Board of Health or the Department of Public Works shall be the enforcing entity. The penalty for the First violation (1st) shall be one hundred dollars ($100.00). The penalty for the Second violation (2nd) shall be two hundred dollars ($200.00). The penalty for the Third violation (3rd) and subsequent violations shall be three hundred dollars ($300.00). Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

6. 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 of

Health, the Department of Public Works, its agents, or 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 of Health or the Department of Public Works deems reasonably necessary.

7. APPEALS
The decisions or orders of the Board of Health or the Department of Public Works shall be final. Further relief shall be to a court of competent jurisdiction.

8. 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.

SECTION 9. 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.

SECTION 10. TRANSITIONAL PROVISIONS
Residential property owners comply with this by-law on a schedule set forth in the Board of Health and Department of Public Works compliance order, but such property owners shall in no case have more than six months from the effective date of the by-law to comply with its provisions, unless good cause is shown for the failure to comply with the by-law during that period.

TOWN OF SEEKONK
Special Connection Permit - Storm Drain System
Rules and Regulations

A one hundred ($100.00) non-refundable administrative and inspection fee will be charged for all special connection permits.

Applicants must attach a detailed drawing of the proposed connection or discharge.

A forty eight hour (48) notice must be given to Department of Public Works so that proper inspection may be scheduled.

A control manhole shall be installed at the property line before water is discharged into a catch basin or waterway. The manhole will also have a Tee connector installed vertically to act as an oil water separator. A light weight cover shall be provided to allow access for inspection purposes.

The town reserves the right to perform unannounced inspections at all special perm it locations where connections or discharges to the storm drain system or waterways have been completed to insure compliance with all regulations set forth within. If after several attempts and a reasonable amount of time has been given to perform an inspection and attempts are postponed or delayed, the Department of Public Works or the Board of Health may revoke the property owners special connection permit and terminate the connection or discharge.

The basin from where a sump pump will discharge shall have an approved spill containment wall surrounding the sump pump basin and approved spill containment for oil tanks to prevent pollutants from entering the basin.

TOWN OF SEEKONK
Special Connection Permit - Storm Drain System

The purpose of this permit is to regulate illicit connections and discharges to the storm drain system, which is necessary for the protection of Seekonk's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.

PERMIT NUMBER _____ DIG SAFE NUMBER _____
Date: _____
Property Owners Info.
Applicant's name: _____

Address: _____
Tel. # _____
Contractor Info.
Name: _____
Address: _____
Tel. # _____
This permit shall apply to flows entering the municipally owned storm water and drainage systems on public or private ways within the Town of Seekonk.

Illicit Connection: Any surface or subsurface drain or conveyance, which allows an illegal discharge into storm drain systems. Illicit connections include conveyances which allow a non-storm water discharge to storm drain systems including sewage, processed wastewater or wash water and any connections from indoor drains sinks, toilets or sump pump, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this ordinance. The Illicit Discharge Elimination By-Law is mandated by the United States Environmental Protection Agency and the Massachusetts Department of Environmental Protection through National Pollutant Discharge Elimination System (NPDES).

Approval, if given by the Town of Seekonk and accepted by said applicant shall be upon these express conditions: That said applicant shall conform to the Statutes and By-laws of the Commonwealth of Massachusetts and Town of Seekonk, respectively, in effect, and that may hereafter be in effect; that this permit may be revoked at any time by the Superintendent of Public Works or agent of the Board of Health.

This is to certify that the undersigned has this day applied to and received from the Town of Seekonk Public Works Superintendent or the Board of Health the approval of which the above is a true copy, which is hereby accepted under the terms and conditions specified herein.

_____ Applicant

Seekonk Public Works Department
Seekonk Board of Health
Category 20A new addition Article 1 May 16, 2006

Approved Attorney General: September 11, 2006

CATEGORY 20B - STORMWATER MANAGEMENT

Construction - Erosion and Sedimentation Control

SECTION 1. GENERAL

Purpose.

The purpose of this bylaw is to eliminate or reduce the harmful impacts of soil erosion and sedimentation on the public health, safety, and welfare, and the environment by prohibiting increase in sediment-laden runoff from land-disturbing activities and by prohibiting stream bank erosion along bodies of water. This bylaw regulates activities with potential for such impacts by requiring erosion and sedimentation control plans and pre-activity review. By implementing the controls in this bylaw, and in regulations promulgated pursuant to this bylaw, erosion and sediment shall be controlled so as to protect water quality, flood storage, stream flow, wildlife habitat, aquatic resources, and public safety.

A. The harmful impacts of soil erosion and sedimentation are:
   1. impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
   2. contamination of drinking water supplies;
   3. alteration or destruction of aquatic and wildlife habitat; flooding; and,
   4. overloading or clogging of municipal catch basins and storm drainage systems.
B. The objectives of this bylaw are to:
   1. protect water resources;
   2. require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities;
   3. promote infiltration and the recharge of groundwater;

4. 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;
5. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
6. comply with state and federal statutes and regulations relating to stormwater discharges; and,
7. establish the Town of Seekonk's legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement.

SECTION 2. DEFINITIONS

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.

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 approval of an soil erosion and sediment control plan for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: The Planning Board, its employees or agents designated to administer, implement and enforce this by-law.

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.

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.

CLEARING: Any activity that removes the vegetative surface cover.

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 (E & S Control Plan): A document containing narrative, drawings and details developed by a qualified professional engineer (PE) 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).

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

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.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 §. 40 and Massachusetts Clean Waters Act M.G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

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 Seekonk.

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.

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.

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, snowmelt runoff, and surface water runoff and drainage.

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

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

WATERCOURSE: A natural or man-man channel through which water flows or a stream of water, including a river, brook, or underground stream.

WETLAND RESOURCE AREA: Areas specified in the Massachusetts Wetlands Protection Act G.L. c. 131, § 40 and in the Town of Seekonk's conservation Commission General Wetlands Protection By-Law.

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.

SECTION 3. AUTHORITY

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

SECTION 4. APPLICABILITY

A. This bylaw shall apply to all activities that result in disturbance of one or more acres of land or will disturb less than one acre but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre of land. Except as authorized by the Planning Board in an erosion and sedimentation control plan or as otherwise provided in this bylaw, no person shall perform any activity that results in disturbance of an acre or more of land. Normal maintenance and improvement of land in agricultural or aquaculture use, as defined by the Wetlands Protection Act regulation 310 CMR 10.4, and or the Seekonk Wetlands Protection By-Law are exempt. In addition, as authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the above activities that are subject to jurisdiction under the Wetlands Protection Act and or the Seekonk Wetlands Protection By-Law which demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this bylaw.

B. Waiver. The Planning Board may waive strict compliance with any requirement of this by-law or the rules and regulation promulgated hereunder, where:
   1. such action is allowed by federal, state and local statutes and/or regulations,
   2. is in the public interest, and,
   3. is not inconsistent with the purpose and intent of this by-law.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION

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

B. Rules and Regulations. The Planning Board may adopt, and periodically amend rules and regulations to effectuate the purposes of this by-law. Failure by the Planning Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

SECTION 6. APPLICATION PROCEDURES

Where an erosion and sedimentation control plan is required by Section 4 of this bylaw an Erosion and Sedimentation Control Application shall be filed with the Planning Board. The application shall be signed by the owner of the property on which the proposed activity is to be conducted. In addition, the applicant, if the applicant is not the owner, shall sign the application. If the owner or applicant is a business entity, the chief executive officer or other officer with authority shall sign the application. A copy of the application shall be filed with the Town Clerk, and upon receipt, the application shall be marked with the date and time received.

A. 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 Erosion and Sedimentation Control Application package shall include:
   1. a complete Application Form with original signatures of all owners and applicants;
   2. ten (10) copies of the Erosion and Sedimentation Control Plan as specified in Section 7 of this bylaw;
   3. payment of the application and review fees; and,
   4. one (1) copy of the Application Form filed with the Town Clerk.

B. Entry. Filing an application grants the Planning Board or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the approved Erosion and Sedimentation Control Plan.

C. Public Hearing. The Planning Board shall hold a public hearing within thirty (30) days of the receipt of a complete application and shall take final action within ninety (90) days from the time of the close

of the hearing unless such time is extended by agreement between the applicant and the Planning Board. Notice of the public hearing shall be given by public hearing notice to the Town Clerk, and be posted at the Seekonk Town Hall, on the Town of Seekonk cable channel and on the Town of Seekonk website. The Planning Board shall make the application available for inspection by the public during business hours at the Seekonk Town Hall.

D. Information request. The applicant shall submit all additional information requested by the Planning Board to issue a decision on the application.

E. Action by the Planning Board. The Planning Board may:
   1. Approve the Erosion and Sedimentation Control Application and issue an approval if it finds that the proposed plan will protect water resources and meets the objectives and requirements of this by-law;
   2. Approve the Erosion and Sedimentation Control Application and issue an approval with conditions, modifications or restrictions that the Planning Board determines are required to ensure that the project will protect water resources and meets the objectives and requirements of this by-law; or,
   3. Disapprove the Erosion and Sedimentation Control 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.

F. Final approval, if granted, shall be endorsed on the Erosion and Sedimentation Control Plan by the signature of the majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board).

G. Failure of the Planning 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 Planning Board's action, the Erosion and Sedimentation Control Plan shall be issued by the Planning Board.

H. Project Changes. The applicant, or their agent, must notify the Planning Board in writing of any change or alteration of a land-disturbing activity authorized in an Erosion and Sedimentation Control Plan <u>before</u> any change or alteration occurs. If the Planning Board determines that the change or alteration is substantial, the Planning Board may require that an amended application shall be submitted. If any change or alteration takes place during land-disturbing activities, the Planning Board may require the installation of interim erosion and sedimentation control measures before the change or alteration may be approved.

FEES.

The Planning Board by regulation shall promulgate an application fee schedule for Erosion and Sedimentation Control applications and compliance certificates. The fee specified in such a fee schedule shall be made payable to the Town of Seekonk and shall accompany the permit application or request for certificate of compliance. The Planning Board shall require a fee for review of any Erosion & Sedimentation Control Plan. Said services may include but are not necessarily limited to soil survey and delineation, hydro geologic and drainage analysis, erosion and sedimentation potential, and environmental/land use law.

Each application must be accompanied by the appropriate application fee as established by the Planning Board. Applicants shall pay review fees as determined by the Planning Board sufficient to cover any expenses connected with the public meeting and review of the Erosion and Sedimentation Control Application before the review process commences. Review fees shall be in the form of a check made out to the Board's reviewing engineer. Said review fee should be forwarded to the Board for payment to the Board's reviewing engineer. The Planning Board is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Planning Board on any or all aspects of the Application.

COMPLIANCE

No land-disturbing activity shall take place, unless exempt by the terms of this bylaw, without compliance with an Erosion and Sedimentation Control Plan issued by the Planning Board.

SECTION 7. EROSION AND SEDIMENTION CONTROL PLAN

A. The Erosion and Sedimentation Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent

areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements listed in Section 7.B. below.

B. The design requirements of the Erosion and Sedimentation Control Plan are:
   1. Minimize total area of disturbance;
   2. Sequence activities to minimize simultaneous areas of disturbance;
   3. Minimize peak rate of runoff in accordance with the Massachusetts Stormwater Policy;
   4. Minimize soil erosion and control sedimentation during construction, provided that prevention of erosion is preferred over sedimentation control;
   5. Divert uncontaminated water around disturbed areas;
   6. Maximize groundwater recharge;
   7. Install and maintain all Erosion and Sedimentation Control measures in accordance with the manufacturers specifications and good engineering practices;
   8. Prevent off-site transport of sediment;
   9. 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);
   10. 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;
   11. 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;
   12. 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;
   13. Properly manage on-site construction and waste materials; and,
   14. Prevent off-site vehicle tracking of sediments.

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 professional engineer 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; and,
      (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 sedimentation 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. Stormwater runoff calculations in accordance with the Department of Environmental Protection's Stormwater Management Policy;
13. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
14. 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;
15. A description of provisions for phasing the project where one acre of area or greater is to be altered or disturbed;
16. Plans must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sedimentation Control; and,
17. Such other information as is required by the Planning Board.

SECTION 8. INSPECTION AND SITE SUPERVISION

A. Pre-construction Meeting. Prior to starting the 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, may be required to meet with the Planning Board, to review the approved plans and their implementation. The need for a pre-construction meeting shall be determined by the Planning Board based on the project scope.
B. Planning Board Inspection. The Planning 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 applicant wherein the work fails to comply with the Erosion and Sedimentation Control Plan as approved. The approved E & S Control Plan and associated plans for grading, stripping, excavating, and filling work, bearing the signature of approval of the Planning Board, shall be maintained at the site during the progress of the work. In order to obtain inspections, the applicant shall notify the Planning Board at least two (2) working days before each of the following events:
   (1) Erosion and sedimentation control measures are in place and stabilized;
   (2) Site Clearing has been substantially completed;
   (3) Rough Grading has been substantially completed;
   (4) Final Grading has been substantially completed;
   (5) Close of the Construction Season; and,
   (6) Final Landscaping (permanent stabilization) and project final completion.
C. Applicant Inspections. The applicant or his/her agent shall conduct and document inspections of all control measures) no less than weekly or as specified in the permit, and prior to and following anticipated storm events. The purpose of such inspections will be to determine the overall effectiveness of the E & S Control Plan, and the need for maintenance or additional control measures. The applicant or his/her agent shall submit monthly reports to the Planning Board or designated agent in a format approved by the Planning Board.
D. Access Permission. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Planning 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 Planning Board deems reasonably necessary to determine compliance with the permit.

SECTION 9. SURETY

The Planning Board may require the applicant to post before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Town Treasurer, and be in an amount deemed sufficient by the Planning Board to ensure that the work will be completed in accordance with the plan approval. If the project is phased, the Planning Board may release part of the bond as each phase is completed in compliance with the approved plan but the bond may not be fully released until the Planning Board has received the final report as required by Section 10 and issued a certificate of completion.

SECTION 10. FINAL REPORTS

Upon completion of the work, the applicant shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sedimentation Control (CPESC), certifying that all erosion and sedimentation control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved plan. Any discrepancies shall be noted in the cover letter.

SECTION 11. ENFORCEMENT

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

B. Orders:

1. The Planning Board or an authorized agent of the Planning Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include:
   (a) a requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the approved erosion and sedimentation control plan;
   (b) maintenance, installation or performance of additional erosion and sedimentation control measures;
   (c) monitoring, analyses, and reporting: and,
   (d) remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
2. If the enforcing person determines that abatement or remediation of erosion and sedimentation 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 Seekonk may, at its option, undertake such work, and the property owner shall reimburse the Town of Seekonk expenses.
3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Seekonk, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning 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 Planning 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, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

C. Criminal Penalty. Any person who violates any provision of this by-law, regulation, order or permit issued there under, shall be punished by a fine of not more than $300 each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Seekonk may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch.. 40, 21D and Category 39 Enforcement of the General Bylaws of the Town of Seekonk, in which case the Planning Board or its authorized agent of the Town of Seekonk shall be the enforcing person. The penalty for the 1st violation shall be $100. The penalty for the 2nd violation shall be $200. The penalty for the 3rd and subsequent violations shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Appeals. The decisions or orders of the Planning Board shall be final. Further relief shall be to a court of competent jurisdiction.

F. 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.

SECTION 12. CERTIFICATE OF COMPLETION

The Planning Board will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the approved E & S control plan has been satisfactorily completed in conformance with this bylaw.

SECTION 13. 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.

Amended Article 17 Nov. 8, 2008 Approved by Attorney General Feb. 12, 2009

CATEGORY 20C - STORMWATER MANAGEMENT

Post-Construction - New Developments & Redevelopments

SECTION 1. PURPOSE

The purpose of this bylaw is to regulate discharges to the municipal separate storm sewer system (MS4) in order to protect the town's water bodies and groundwater, and to safeguard public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are the major causes of:

1. Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater;
2. Contamination of drinking water supplies;
3. Erosion of stream channels;
4. Alteration or destruction of aquatic and wildlife habitat; and,
5. Flooding.

Therefore, this bylaw establishes stormwater management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream, which would be born by abutters, townspeople and the general public.

The objectives of this bylaw are to:

1. Require practices to control the flow of stormwater from new and redeveloped sites into the Town of Seekonk's municipal storm drainage system in order to prevent flooding and erosion;
2. Protect groundwater and surface water from degradation;
3. Promote groundwater recharge;
4. Prevent pollutants from entering the Town of Seekonk's MS4 and to minimize discharge of pollutants from the MS4;
5. Ensure adequate long-term operation and maintenance of structural stormwater best management practices (BMPs) so that they work as designed;
6. Comply with state and federal statutes and regulations relating to stormwater discharges; and,
7. Establish the Town of Seekonk's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

SECTION 2. DEFINITIONS

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

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 within the area.

AUTHORIZED ENFORCEMENT AGENCY: The Planning Board, its employees or agents, designated to enforce this bylaw.

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

CLEARING: Any activity that removes the vegetative surface cover.

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

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

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

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 from infiltrating the underlying soil. Impervious surfaces include without limitation: roads, paved parking lots, sidewalks, and rooftops.

LAND DISTURBANCE ACTIVITY: Any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

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 Seekonk.

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 or any 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 bylaw, 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.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

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

STORMWATER: Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit. See Section 7.

TSS: Total Suspended Solids.

SECTION 3. AUTHORITY

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

SECTION 4. APPLICABILITY

A. No person may undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb equal to or greater than one 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 equal to or greater than one acre of land draining to the Town of Seekonk MS4, without a permit from the Planning Board. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site.

B. Exemptions
   a. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and or the Seekonk Wetlands Protection By-Law;
   b. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
   c. The construction of fencing that will not substantially alter existing terrain or drainage patterns;
   d. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns; and,
   e. As authorized in the Phase II Small MS4 General Permit for Massachusetts, storm water discharges resulting from the activities identified in Section 4A that are wholly subject to jurisdiction under the Wetlands Protection Act and/or the Seekonk Wetlands Protection By-Law and demonstrate compliance with the Massachusetts Storm Water Management Policy as reflected in an Order of Conditions issued by the Conservation Commission are exempt from compliance with this bylaw.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATON

A. The Planning Board shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon the Planning Board may be delegated in writing to its employees or agents.
B. Rules and Regulations. The Planning Board may adopt, and periodically amend, rules and regulations relating to the procedures and administration of this bylaw, by majority vote of the Planning 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.

SECTION 6. APPLICATION PROCEDURES

A. Filing Application. Stormwater Management Plan and Operation and Maintenance Plan Approval must be obtained prior to any site altering activity. While the applicant can be a representative, the

permittee must be the owner of the site. The Stormwater Management Permit Application package shall be filed with the Planning Board. A coopy of the application shall be filed with the Town Clerk, and upon receipt, the application shall be marked with the date and time received. The Applicaiton shall include:

1. One original completed Application Form with original signatures of all owners and applicants;
2. Ted (10) copies of the Stormwater Management Plan and project description as specified in Section 7A of this bylaw;
3. Ten (10) copies of the Operation and Maintenance Plan as required by Section 8 of this bylaw; and,
4. Payment of the application and review fees.

B. Entry. Filing an application for a permit grants the Planning Board, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the approved Stormwater Management Plan and Operation and Maintenance Plan.

C. Public Hearing. The Planning Board shall hold a public hearing within forty (45) days of the receipt of a complete application and shall take final action within ninety (90) days from the close of the hearing unless such time is extended by agreement between the applicant and the Planning Board. Notice of the public hearing shall be given by public hearing notice on the Town of Seekonk cable channel, on the Town of Seekonk website, as well at the Seekonk Town Hall. The Planning Board shall make the application available for inspection by the public during business hours at the Seekonk Town Hall.

D. Action by the Planning Board. The Planning Board may:

1. Approve the Stormwater Management Permit Application and issue an approval if it finds that the proposed plan meets the Standards in Section 7 and will adequately protect the water resources of the community and is in compliance with the requirements set forth in this bylaw;

2. Approve the Stormwater Management Permit Application and issue an approval with conditions, modifications or restrictions that the Planning Board determines are required to ensure that the project meets the Standards in Section 7 and will adequately protect the water resources of the community, and is in compliance with the requirements set forth in this bylaw; and
3. Disapprove the Stormwater Management Permit Application and deny the permit based upon a determination that the proposed plan, as submitted, does not meet the Standards in Section 7.B and will not adequately protect water resources of the community and is not in compliance with the requirements of this bylaw.

E. Final approval, if granted, shall be endorsed on the Stormwater Management Plan by the signature of the majority of the Planning Board (or by the signature of the person officially authorized by the Planning Board).

F. Failure of the Planning 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 Planning Board's action the Stormwater Management Permit shall be issued by the Planning Board.

G. Plan Changes. The permittee, or their agent, must notify the Planning Board in writing of any change or alteration in the system authorized by the Stormwater Management Permit before any change or alteration is made. If the Planning Board determines that the change or alteration is significant, based on the Stormwater Management Standards in Section 7.B. and accepted construction practices, the Planning Board may require that an amended application be filed and a public meeting held.

SECTION 7. STORMWATER MANAGEMENT PLAN

A. The application for a stormwater management permit shall include the submittal of a Stormwater Management Plan to the Planning Board. This Stormwater Management Plan shall contain sufficient information for the Planning 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 Massachusetts Stormwater Management 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. A locus map;
2. The existing zoning, and land use at the site;
3. The proposed land use;

4. The location(s) of existing and proposed easements;
5. The location of existing and proposed utilities;
6. The existing and proposed topography of the site with contours at 2-foot intervals;
7. The existing site hydrology;
8. A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
9. A delineation of 100-year flood plains, if applicable;
10. Estimated seasonal high groundwater elevation (March to May) in areas to be used for stormwater retention, detention, or infiltration;
11. The existing and proposed vegetation and ground surfaces with runoff coefficient for each;
12. A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths;
13. A description and drawings of all components of the proposed drainage system including:
    a. existing and proposed 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 stormwater;
    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 and construction specifications; and,
    f. expected hydrology with supporting calculations.
14. Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable;
15. Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization;
16. A maintenance schedule for the period of construction; and,
17. Any other information requested by the Planning Board.

B. Standards

Projects shall meet the Standards of the Massachusetts Stormwater Management Policy, which are summarized as follows:

1. No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.
2. Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.
3. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from the post-development site should approximate the annual recharge rate from the pre-development or existing site conditions, based on soil types.
4. For new development, stormwater management systems must be designed to remove 80% of the average annual load (post development conditions) of Total Suspended Solids (TSS). It is presumed that this standard is met when:
    a. Suitable nonstructural practices for source control and pollution prevention are implemented;
    b. Stormwater management best management practices (BMPs) are sized to capture the prescribed runoff volume; and
    c. Stormwater management BMPs are maintained as designed by the responsible party(ies).
5. Stormwater discharges from areas with higher potential pollutant loads require the use of specific stormwater management BMPs (see Stormwater Management Volume I: Stormwater Policy Handbook). The use of infiltration practices without pretreatment is prohibited.
6. Stormwater discharges to critical areas must utilize certain stormwater management BMPs approved for critical areas (see DEP's Stormwater Management Volume I: Stormwater Policy Handbook). Critical areas are Outstanding Resource Waters (ORWs), shellfish beds, swimming beaches, cold water fisheries and recharge areas for public water supplies.
7. Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable. However, if it is not practicable to meet all the Standards, new

(retrofitted or expanded) stormwater management systems must be designed to improve existing conditions.

8. Erosion and sedimentation controls must be implemented to prevent impacts during disturbance and construction activities.
9. All stormwater management systems must have an operation and maintenance plan to ensure that systems function continuously and consistently as designed.
10. All illicit discharges to the stormwater management system are prohibited.

When one or more of the Standards cannot be met, an applicant may demonstrate that an equivalent level of environmental protection will be provided.

C. Where Applicable, projects shall conform to the requirements of the Planning Board regulations, including but not limited to the Rules and Regulations Governing the Subdivision of Land (dated April 27, 2004 or later).

D. Project Completion

Upon completion of the project, the permit shall submit as-built record drawings of all structural stormwater controls and treatment BMPs required for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

SECTON 8. OPERATION AND MAINTENANCE PLANS

An Operation and Maintenance plan (O&M Plan) is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with the Permit, this Bylaw and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The Planning Board shall make the final decision of what maintenance option is appropriate in a given situation. The Planning 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 Operation and Maintenance Plan shall remain on file with the Planning Board and shall be an ongoing requirement. The O&M Plan shall include:

A. The name(s) of the owner(s) for all components of the system
B. Maintenance agreements that specify:
   1. The names and addresses of the person(s) responsible for operation and maintenance
   2. The person(s) responsible for financing maintenance and emergency repairs.
   3. A Maintenance Schedule for all drainage structures, including swales and ponds.
   4. A list of easements with the purpose, location, and limitations (if any) of each.
   5. The signature(s) of the owner(s).

C. Stormwater Management Easement(s).
   1. Stormwater management easements shall be provided by the property owner(s) as necessary for:
      a. access for facility inspections and maintenance,
      b. preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event.
      c. direct maintenance access by heavy equipment to structures requiring regular cleanout.
   2. The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
   3. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Planning Board.
   4. Easements shall be recorded with the Northern Bristol County Registry of Deeds prior to issuance of a Certificate of Completion by the Planning Board.

D. Changes to Operation and Maintenance Plans

1. The owner(s) of the stormwater management system must notify the Planning Board within thirty (30) days of changes in ownership or assignment of financial responsibility.
2. The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of this by-law by mutual agreement of the Planning 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.

E. Future Ownership and Operation & Maintenance of BMPs

In non-residential developments, responsibility for the ownership and Operation & Maintenance of stormwater BMP's shall be that of the owners of property on which the stormwater BMP's are located. For stormwater BMP's that are constructed within a residential subdivision, a homeowner's association shall be established to assume responsibility for the ownership and Operation & Maintenance of stormwater BMP's. Legal documents establishing said association shall be recorded at the time of the recording of the subdivision. Reports shall be submitted to the Public Works Department one year following the date of the completion of construction of said BMP's and every year thereafter. In the event of failure of the owners of property on which the stormwater BMP's are located, the Town may enter upon the subject property to perform such necessary maintenance as may be necessary to achieve compliance with the approved Operation and Maintenance Plan. An easement shall be recorded upon approval of all BMP's allowing the Town to perform said maintenance and charge the owners of the subject property the cost therefore, inclusive of reasonable attorney's fees in the collection of the said cost.

SECTION 9. SURETY

The Planning Board may require the applicant 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 the Planning Board and be in an amount deemed sufficient by the Planning Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Planning Board may release part of the bond as each phase is completed in compliance with the permit.

A minimum of one year following the receipt of the final inspection report as required by Section 10 and issuance of a Certificate of Completion, the applicant may request that the Planning Board release the last $5,000 or 10% of the security amount, whichever is more, subject to the inspection and approval of the Board upon receiving favorable recommendations from the Town Planner, DPW Superintendent, Building Inspector, or any other Board's Agent designated by the Planning Board.

SECTION 10. INSPECTIONS

The Planning Board, or its agents, shall inspect the project site at the following stages:

A. Initial Site Inspection - prior to approval of any plan.
B. Erosion Control Inspection - to ensure erosion control practices are in accord with the filed plan.
C. Bury Inspection - prior to backfilling of any underground drainage or stormwater conveyance structures.
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 Planning Board, or its agents, shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm as defined by the town's standards. If the inspector finds the system to be adequate, the inspector shall recommend that the Planning Board issue a Certificate of Completion.

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 Seekonk may use the surety bond to complete the work. Examples of inadequacy shall include but not 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.

SECTION 11. WAIVERS

A. The Planning Board may waive strict compliance with any requirement of this by-law or the rules and regulations promulgated hereunder, where:
   1. such action is allowed by federal, state and local statutes and/or regulations,
   2. is in the public interest, and,
   3. is not inconsistent with the purpose and intent of this by-law.

B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the by-law does not further the purposes or objectives of this bylaw.
C. All waiver requests shall be discussed and voted on at the public hearing for the project.
D. If in the Planning Board's opinion, additional time or information is required for review of a waiver request, the Planning Board may continue a hearing to a certain date announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

SECTION 12. CERTIFICATE OF COMPLETION

The Planning 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.

SECTION 13. ENFORCEMENT

A. The Planning Board or an authorized agent of the Planning Board shall enforce this bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.
B. Orders
   1. The Planning Board or an authorized agent of the Planning Board may issue a written order to enforce the provisions of this by-law or the regulations thereunder, which may include requirements to:
      (a) cease and desist from construction or land disturbing activity until there is compliance with the by-law and the stormwater management permit;
      (b) repair, maintain; or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan.
      (c) perform monitoring, analyses, and reporting;
      (d) remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system.
   2. If the enforcing person determines that abatement or remediation of adverse impacts 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 Seekonk may, at its option, undertake such work, and the property owner shall reimburse the town's expenses.
   3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Seekonk, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning 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 Planning 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.
C. Criminal Penalty. Any person, who violates any provision of this bylaw or regulation, order or permit issued thereunder, shall be punished by a fine of not more than $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
D. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Seekonk may elect to utilize the non-criminal disposition procedure set forth in G.L. Chapter 40, Section 21D and Category 39 Enforcement of the General Bylaws of the Town of Seekonk in which case The Planning Board of the Town of Seekonk shall be the enforcing party. The penalty for the 1st violation shall be $100. The penalty for the 2nd violation shall be $200. The penalty for the 3rd and subsequent violations shall be $300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
E. Appeals. The decisions or orders of the Planning Board shall be final. Further relief shall be to a court of competent jurisdiction.

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

SECTION 14. 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

.Amended Article 18 Nov. 3, 2008 Approved by Attorney General Feb. 12, 2009

CATEGORY 21 - REFUSE, GARBAGE

No person shall put, place or throw or cause to be put, place or thrown in or upon any street or other public place in the Town of Seekonk, any stone, dirt, wood or refuse matter, or rubbish of any kind. No person shall deposit in any street or other public place or on any land belonging to the Town, any rocks, stone, building materials, brick mason's and brick layers rubbish or matter, or erect or place thereon any staging or other structure or allow fuel to remain on any street or sidewalk overnight, without the written consent of the Superintendent of Public Works or the Board of Selectman, prescribing the time and manner of such deposit. Penalty for the violation of the foregoing shall be not more than one hundred dollars ($100.00) for each offense and actual cost of removed and legal disposal of said articles.

Approved: February 2, 1940
Amended Article: April 29, 1963, Approved by the Attorney General: July 26, 1963
Amended: Article 25, June 8, 1998 Approved by Attorney General: August 27, 1998

CATEGORY 22 - FENCING OF SWIMMING POOLS

SECTION - 1 DEFINITION

Fencing for public, semi-public or private swimming pools as defined by the Mass. State Building Cod 780 CMR 6th edition and subsequent editions and Mass. General Laws Chapter 140, Section 206 shall be provided and maintained at all time to prevent access to children up to eight years of age. The Inspector of Buildings shall approve all fencing, and shall inspect all swimming pools and fencing before any pool is filled and placed into use. This provision shall also apply to pools and fencing in existence on or prior to the effective date of adoption of this By-Law.

SECTION 2 – ENFORCEMENT

The Inspector of Buildings is the Enforcement Officer of this By-Law.
The penalty for violating the provisions of By-law Category 22 shall be not more than $50.00 dollars per day for this offense. Each day in violation constitutes a new offense.

Article 12: May 24, 1976 Approved by Attorney General: December 11, 1976
Section 2, third and fourth paragraphs were added by
Article 4: January 17, 1977. Approved by Attorney General May 2, 1977
Amended: Article 26, June 8, 1998 Approved by Attorney General: August 27, 1998
Amended: Article 9 May 28, 2002 Approved by Attorney General July 1, 2002

CATEGORY 23 - TREE TRIM BY-LAW

Any public utility desiring to trim, cut or remove trees within OR EXTENDING OVER a public way shall obtain a prior written approval of the Tree Warden. The utility shall pay the town a fee for inspection as established by the Board of Selectmen.

Any tree, hedge or shrub determined to be a hazard or public safety concern by the Tree Warden: shall be trimmed, cut or removed by the property owner. This includes any growth that obstructs the view of motor vehicle operators at intersections or curves and any obstruction of sidewalks or other public areas where pedestrians may pass.

When a tree, hedge or shrub is found to be a hazard or public safety concern, the Tree Warden shall remit a registered letter to the property owner stating the concern. The Property owner will have fourteen days (14) to correct the concern

after which time the Tree Warden may have the Public Works Department or a private contractor complete the work. The property owner will be charged a fee equal to the cost of trimming, cutting or removal of said concern upon completion of the work.

Article 6: October 1, 1984 — Approved by Attorney General: January 8, 1985
Amended: Article 27, June 8, 1998 — Approved by Attorney General: August 27, 1998
Amended Article 1: May 16, 2006 — Approved by Attorney General: September 11, 2006

CATEGORY 24 - SALE OF MOTOR VEHICLES

It shall be unlawful for any person or persons occupying or having charge of any building or premises or any part thereof in the Town, to offer for sale a motor vehicle(s) without being properly licensed by the Board of Selectmen. Any person or persons offering for sale in excess of 3 (three) motor vehicles in a 12 month period shall be defined as a motor vehicle dealer and shall be duly licensed by the Board of Selectmen.

This shall not prohibit the owner or the person occupying or having charge of any building or premises to offer for sale, a motor vehicle owned by him. It shall be a requirement that the vehicle be currently registered to the owner, occupant or person in charge of the property or that the vehicle be registered to the property owner, occupant or person in charge of the property (verified by the registration certificate). If there is not a registration available, the title may be substituted.

Vehicles which are properly offered for sale must be parked on the property of the owner, occupant or person in charge of the property and must be parked in such a manner not to obstruct the line of vision of others traveling on public or private ways.

Violators shall be subject to a fifty dollar ($50.00) fine. Each day of violation shall constitute a separate offense. The Police Department and/or Zoning Enforcement Officer shall be the Enforcement Agents for this By-Law.

Adopted: Article 28, June 8, 1998 — Approved by Attorney General: August 27, 1998
Amended Article 8 May 28, 2002 — Approved by Attorney General July 1, 2002
Category 24 - Sale of Motor Vehicles (New Category)
Changes adopted November 17, 2003 Special Town Meeting — Approved by Attorney General December 4, 2003
Amended Article 1, May 16, 2006 — Approved by Attorney General, September 11, 2006

CATEGORY 25 - UNREGISTERED VEHICLES

It shall be unlawful for the owner or occupant of any premises to have more than one unregistered motor vehicle unless the same is kept in a fully enclosed primary structure. This shall not apply to premises where there is a valid license under Mass. General Laws, Chapter 140, Section 58, nor to vehicles used on the premises in agriculture or any work where a vehicle registration is not required. Upon notice to remove such vehicle the owner or controller of said premises shall have a period not to exceed 10 days to effect such removal or be subject to a fine of fifty dollars ($50.00) for each day the violation continues.

An unregistered vehicle maintained on the owner's property that is not kept in a fully enclosed structure, shall be parked in the driveway at a minimum distance of fifteen feet from the entrance of the driveway. Individuals with driveways shorter than fifteen feet must park the vehicle at the inward end of the driveway.

It shall be the responsibility of the Police Department to insure compliance with this By-law.

Article 25: March 21, 1966 — Approved by Attorney General: April 18, 1966
Amended Article 24: October 18, 1982 — Approved by Attorney General: July 31, 1984
Amended: Article 29, June 8, 1998 — Approved by Attorney General: August 27, 1998
Changes adopted November 17, 2003 Special Town Meeting — Approved by Attorney General December 4, 2003

CATEGORY 28- ANTI-NOISE BY-LAW

SECTION 1. Unlawful Noise Prohibited. It shall be unlawful for any person or persons to create, assist in creating, continue or allow to continue any excessive, unnecessary, or unusually loud noise which either annoys, disturbs, injures,

or endangers the reasonable quiet, comfort, repose, or the health or safety of others within the Town of Seekonk. The following acts are declared to be loud, disturbing, injurious, unnecessary and unlawful noises in violation of this section, but this enumeration shall not be exclusive, namely:

1. Radio, Phonograph, Musical Instruments and Television. The playing of any radio, phonograph, television set, amplified or musical instruments, loudspeakers, tape recorder, or other electronic sound producing devices, in such a manner or with volume at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling or other type of residence, or in any office or of any persons in the vicinity.
2. Noises on Public Streets. The making of any loud noises on the public streets, between the hours of 10:00 p.m. and 8:00 a.m., or the making of any such noise at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of persons in any dwelling, or other type of residence, or in any office or of any persons in the vicinity.
3. Animal Noises: The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the reasonable comfort or repose of any person.
4. Construction Noises. The creation of any construction noise audible within any dwelling or other type of residence other than the residence from which the noise emanates before 7 a.m. on weekdays and 8 a.m. on weekends and legal holidays and after 10 p.m. on any day; or the making of such noise at any time or place so as to annoy or disturb the reasonable quiet, comfort or repose of any persons in any dwelling or other type of residence.

SECTION 2. EXEMPTIONS None of the terms or prohibitions of the previous section shall apply or be enforced against:

1. Emergency Vehicles. Any police or fire vehicle or any ambulance while engaged in necessary emergency business.
2. Highway and Utility Maintenance and Construction. Necessary excavation in or repairs of bridges, streets, or highways, or any public utility installation by or on behalf of the Town, or any public utility or any agency of the State of Massachusetts.
3. Public Address. The reasonable use of amplifiers or loud speakers for public addresses which are non-commercial in nature.

SECTION 3. PENALTIES The first violation of this By-Law shall be punished by a fine of not less than fifty dollars ($50.00). The second violation of this by-law within twelve months (12) after the first violation shall be punished by a fine of not less than one hundred dollars ($100.00). Further violations within twelve months (12) after the last violation shall be punished by a fine of two hundred dollars ($200.00). Each such act which either continues or is repeated more than one-half (½) hour after issuance of a written notice of violation of this by-law shall be a separate offense and shall be prosecuted as a separate offense.

SECTION 4. OTHER REMEDIES.

1. If the person or persons responsible for an activity which violates Section 1 cannot be determined, the person in lawful custody and/or control of the premises, including but not limited to the owner, lessee or occupant of the property on which the activity is located, shall be deemed responsible for the violation.

2. If the persons responsible for an activity which violates Section 1 can be determined, any person or persons who violate Section 1 of this by-law may be arrested without a warrant, provided that the violation occurs in the presence or view of any officer authorized to serve criminal process.

SECTION 5: SEVERABILITY. If any provision of this by-law is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the by-law shall not be invalidated.

Adopted: Article 30, June 8, 1998
Amended Article 1, May 16, 2006

Approved by Attorney General: August 27, 1998
Approved by Attorney General: September 11, 2006

CATEGORY 29 - BUILDING NUMBERS

The Board of Selectmen shall require that every building used for a dwelling house or a place of business in the Town of Seekonk bear, in a conspicuous place, a clear and legible building number. This number must be a minimum of 4" in height and contrast with its background in order to be visible from the street. For building with considerable set backs or

situated in a way which the number is not clearly visible from the street, the building number shall be located in a manner in which it can be seen clearly from the street (on a mailbox, post, etc.).

No person shall, for longer than ten (10) days after notification from the Board of Selectmen, Fire Chief, Police Chief or Building Inspector neglect or refuse to affix to, or suffer to remain on, any property owned or leased by him, a street number other than the one designated for such property by either the Building Department or the Board of Assessors. Failure to meet the terms of the notification shall result in a fine of $25.00 per day. Such fine shall be levied by either the Police Department, the Fire Department or the Building Inspector. Each day a violation remains will constitute a separate offense and will be enforced in a manner provided in M.G.L. Chapter 40, Section 21-D.

Adopted: Article 31, June 8, 1998 — Approved by Attorney General: August 27, 1998
Amended Article 32, November 16, 1998 — Approved by Attorney General: December 22, 1998

CATEGORY 30 - FIRE LANE PARKING - PROHIBITED

No person shall park or leave unattended a motor vehicle within any part of the area posted and marked as a Fire Lane in any parking area or parking lot, private or public, within the Town of Seekonk. Any person violating this By-law shall be punished by a fine set by the Board of Selectman in accordance with Massachusetts General Law. Vehicles in violation may be towed away at the owner's expense.

Article 6: January 9, 1978 — Approved by Attorney General: March 20, 1978
Amended: Article 32, June 8, 1998 — Approved by Attorney General: August 27, 1998

CATEGORY 31- PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED

No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1, of the Massachusetts General Laws, while on, in, or upon any public way to which the public has access; any public park, playground, conservation area, cemetery, parking lot, municipal buildings and the grounds appurtenant thereto. A violation of this By-law shall be deemed to be a breach of the peace. Nothing herein shall be construed to prohibit the use and consumption of said liquor in or upon private properties or dwellings as may be permitted by law. Any person convicted for violation of this By-Law shall be punished by a fine of fifty ($50.00) dollars for each offense.

Article 7: January 9, 1978 — Approved by Attorney General: March 20, 1978
Article 31: November 16, 1998 — Approved by Attorney General: December 22, 1998

CATEGORY 32 - SOLICITORS

SECTION 1 – REGISTRATION REQUIRED
It shall be unlawful for any person to engage in business as a solicitor, calling at residences without the previous consent of the occupant or without first having registered in the Office of the Chief of Police. Solicitation shall include any business such as, taking orders, sales and subscriptions. The registrant shall give his complete identification, his signature, the name of his employer, the nature of the products or services in which he is interested, the names of the manufacturers of such products, or of the organization which he is representing, and the proposed method of operation in the town.

SECTION 2 – FEE
Each registrant shall pay to the Town of Seekonk through its Chief of Police, a registration fee of five dollars ($5.00) for the period expiring thirty days after the date of said registration.

SECTION 3 – CERTIFICATE
Each applicant who shows evidence of good character and, if required, pays the fee provided for herein shall be furnished a certificate indicating that he or she has registered and showing the dates covered by such registration. Such registration certificate shall expressly require and be issued only upon the condition that each person who intends to solicit in the Town after the hour of five o'clock in the afternoon shall on every such day inform the Office of the Chief of Police of the streets or neighborhood in which the intended solicitation is to occur. Each person shall at all time, while soliciting in the town, carry upon his person the registration certificate and the same shall be exhibited by such registrant at all such times.

SECTION 4 – EXCEPTIONS
The provisions of this By-Law shall not apply to officers or employees of the town, county, state or federal government, or any sub-division thereof, when on official business.

Persons soliciting solely for religious, charitable or political purposes shall not be required to register.

SECTION 5 – REVOCATION
Any such registration may be revoked by the Board of Selectmen or the Chief of Police because of any violation by the registrant of this By-Law, or whenever the registrant shall cease to possess the qualifications and character required in this By-Law for the original registration.

SECTION 6 – PENALTY
Any person who commits an unlawful act described in Section 1 or violates any of the provisions of Section 3, or carries on the business prescribed in Section 1 after their registration is revoked shall be punished for each offense by a fine of not more than two hundred dollars ($200.00).

Article 5: November 29, 1971 — Approved by the Attorney General: March 20, 1972
Section 3 amended by Article 24: October 1982 — Approved by the Attorney General: July 31, 1984
Amended: Article 33, June 8, 1998 — Approved by the Attorney General: August 27, 1998
Amended: Article 12, November 18, 2002 — Approved by the Attorney General: December 19, 2002
Category 30 – Solicitors and Canvassers
Old Referral Category IX (Same Title)
Amended Art.18 June 20,2011

New: Section 2 of Paragraph of new By-Laws was added. Section 4 of the old By-Laws, the last sentence was dropped from this section and transferred to Section 2 Paragraph 2.

Amended: Article 18, June 20, 2011 — Approved by the Attorney General: Sept. 29, 2011

CATEGORY 33 - LICENSING OF DEALERS IN JUNK, ANTIQUES, SECOND-HAND ARTICLES

The Board of Selectmen may license suitable persons to be collectors of, dealers in, or keepers of shops for the purchase, sale, or barter of junk, old metals, antiques or second hand articles, and may make rules and regulations relative to their business, which shall be expressed in all licenses, and may provide for the supervision thereof in accordance with Mass. General Laws, Chapter 140 Section 54.

Whoever acts as a collector of, dealer in, or keeper of a shop for the purchase, sale or barter of junk, old metals, antiques or second hand articles without a license, or in any other place or manner than that designated in his license, or after notice to him that his license has been revoked, or violates any such rule, regulation or restriction, shall be fined three hundred ($300.00) dollars. Each day will constitute a separate violation. This will be enforced by the Board of Selectmen or their designee.
All outdoor storage or display areas of facilities for materials, products, second hand articles, antiques, junk, old metals, shall be enclosed by a wall of solid appearance or tight evergreen hedge not less than six (6) feet high erected and maintained where necessary to conceal such areas or facilities from public view in conformance with Zoning By-laws.

The purchase, sale or barter of books, prints, coins, or postage stamps shall not be deemed to be the purchase, sale or barter of second hand articles within the meaning of this and the preceding sections, in accordance with General Laws, Chapter 140, Section 55.

Article 5: April 29, 1963 — Approved by Attorney General: July 26, 1963
Amended: Article 34, June 8, 1998 — Approved by the Attorney General: August 27, 1998
Amended: Article 1, May 16, 2006 — Approved by Attorney General: September 11, 2006
Amended: Article 25, Nov. 13, 2012 — Approved by Attorney General: January 8, 2013

CATEGORY 34 - OPEN AIR/TRANSIENT AND TEMPORARY BUSINESS LICENSES

A. TRANSIENT VENDORS

1. DEFINITIONS: The following words, terms and phrases, when used in this section shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

"Transient Vendor" shall mean any person, either principal or agent, who engages in a temporary or transient business in the Commonwealth selling goods, wares or merchandise, either in one (1) locality or in traveling from place to place.

"Temporary or Transient Business" shall mean any exhibition and sale of goods, wares or merchandise which is carried on in the open air, any tent, booth, building, or other structure, unless such place is open for business during usual business hours for a period of at least twelve (12) consecutive months.

2. LICENSE REQUIRED: It shall be unlawful for any transient vendor to sell, attempt to sell, or exhibit any food, beverage, goods, wares, or merchandise without first applying for and obtaining a license from the Town, approved by the Board of Selectmen and issued by the Town Clerk. Upon the completion and submittal of the license application to the Town, the Board of Selectmen will render a decision within thirty (30) days.

3. APPLICATION: The application for a Transient Vendor's License shall contain all information necessary and relevant to determine whether a particular license may be issued. Such application shall be obtained from and shall be on a form prescribed by the Selectmen. Such application shall include, but not be limited to the following:

a. Proof that the applicant has complied with all applicable Massachusetts laws, including, but not limited to Sections 1-12A of Chapter 101 of the Massachusetts General Laws.
b. Proof of the identity and business address of the applicant, and any other proof of identification which any state or federal agency may require the Town to obtain.
c. Positive proof of identification that the applicant is at least sixteen (16) years of age.
d. A brief description of the nature, character, and quality of whatever is to be sold or exhibited.
e. If employed by another, the name and address of such employer.
f. If a motor vehicle is to be used as part of the business, a description of the vehicle together with the motor vehicle registration number and the license number.
g. A description of the exact location, length of time, hours of operation and days per week during which it is proposed that the business shall be conducted.
h. Any other factors relating to the application or applicant which the Selectmen may deem relevant in determining whether approval of such license is consistent with the best interests of the Town.

4. EXCEPTIONS: The Board of Selectmen may, under such conditions they may deem proper, grant to any organization engaged in charitable work or to a post of any incorporated organization of veterans who served in the U.S. Military, a special license authorizing it, for a particular time period to be stated in such license, to conduct under their control a temporary or transient business, provided said activity is for charitable purposes. The conduct of the activity proposed shall be in accordance with the requirements of this By-law unless otherwise stated by the Board of Selectmen.

5. BOND OR INSURANCE REQUIRED: No transient vendor shall sell goods, wares or merchandise unless said individual or business has posted bond with or has provided a certificate of liability naming the Town as an "additional insured". Said bond or certificate shall be in an amount as may be determined by the Board of Selectmen and submitted to the Town Clerk.

The applicant shall also sign an agreement providing for indemnification of the Town against any loss which may arise by way of any suit, action or preceding against the Town as a result of any act or failure to act on the part of such applicant while engaged in the proposed activity.

6. LICENSE DISPLAY: Transient Vendor Licenses issued under this By-law and as required by Section 3 of Chapter 101 of the Massachusetts General Laws shall be carried on the licensee's person at all times while the licensee is conducting business. Any licensee who fails, neglects or refuses to exhibit or produce either license, when asked by the Board of

Selectmen or their designated agent(s) shall be subject to the same penalty as if the person had no license as well as subject to license revocation.

7. FEE: An applicant for a Temporary Transient Vendor license shall pay a fee equal to ten dollars ($10.00) per day for each day that the licensee is operating their business.

8. GENERAL PROVISIONS:

a. Should a license be issued pursuant to this By-law, the licensee shall be responsible for obtaining and maintaining any and all other relevant licenses, permits, seals or approvals from any Town Department, including, but not limited to the Board of Health, Fire Department, Building Inspector/Zoning Officer, Sealer of Weights and Measures, Planning and/or Zoning Board. No such activity authorized under this By-law shall commence until all such permits or approvals have been acquired.

b. Vendors shall not utilize any area designated as parking for any business for purposes of storing wares or otherwise conducting the transient vendor business.

c. Vendor wares, equipment, etc. shall not impede access to the entrance of any adjacent building or driveway.

d. Vendors shall not conduct business or store wares within twenty-five (25) feet of any handicapped parking space or access ramp.

e. Vendors shall be allowed to engage in business only between the hours of 8:00 AM and 9:00 PM. All vending stands must be removed from the site during non-business hours.

f. The vendor shall only have one sign which shall be in conformance with applicable Town By-laws.

g. All trash or debris resulting from the activity of the vendor business shall be collected and removed by the vendor.

9. SUSPENSION OR REVOCATION OF LICENSE: Any license issued under the provisions of this By-law may be suspended or revoked for any of the following reasons:

a. Fraud or misrepresentation in the license application.

b. Fraud or misrepresentation in the course of conducting the vendor business

c. Conducting the vendor business in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.

d. Any violation of the conditions and requirements of the licensee as identified in this by-law.

Upon suspension or revocation, the Selectmen shall deliver written notice to the license holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.

10. APPEAL: Persons who are denied licenses under this section or whose license has been suspended or revoked may appeal by filing a written notice of appeal with the Selectmen. The appeal must be filed within seven (7) days after receipt of the notice of denial, suspension or revocation. The Selectmen shall hear the appeal within thirty (30) days and render a decision within seven (7) days of said hearing.

11. PENALTIES: Any person who violates any provision of this section shall be fined fifty dollars ($50.00) for each occurrence as well as subject to license suspension or revocation as identified in this section. The owner of the property will be held liable and may lose his license to operate at the location of the violation.

Article 23: October 18, 1993
Amended: Article 35, June 8, 1998
Amended Article 1, May 16, 2006

Approved by Attorney General: December 22, 1993
Approved by the Attorney General: August 27, 1998
Approved by Attorney General: September 11, 2006

APPLICANT NAME_____ TEL.#_____
HOME ADDRESS_____ SS #_____
BUSINESS NAME_____ TEL#_____
BUSINESS ADDRESS_____
BUSINESS FEDERAL ID OR STATE TAX #_____
MASS TRANSIENT VENDOR LICENSE #_____
LOCATION WHERE BUSINESS WILL BE CONDUCTED_____
_____
DESCRIPTION OF GOODS OR MERCHANDISE TO BE SOLD_____

_____

_____

PROPOSE LENGTH OF TIME FOR BUSINESS_____
HOURS OF OPERATION_____ DAYS PER WEEK_____
OWNER OF PROPERTY WHERE BUSINESS WILL BE CONDUCTED_____
OWNER ADDRESS_____
OWNER TELEPHONE NUMBER_____

Applicant Statement: I hereby state that all information provided by me on this application to be true and accurate. I further certify that I have filed all state tax returns and paid all state taxes required under law either personally or on behalf of the business named above. I understand that if any information contained in this application is found to be false or misleading, or that if I or the business fails to adhere to the requirements of the Town of SEEKONK Transient Vendor/Business By-law, that I will forfeit this license forthwith.

_____ _____ _____
APPLICANT DATE REASON FOR DENIAL

At a legally convened meeting of the Seekonk Board of Selectmen, the Board voted to _____ APPROVE /_____ DENY this application.

_____ _____ _____
CHAIRMAN, BOARD OF SELECTMAN DATE REASON FOR DENIAL

TRANSIENT BUSINESS SIGN-OFF LIST

APPLICANT NAME (individual or business)_____

VENDING LOCATION _____

DESCRIPTION OF GOODS/SERVICES TO BE SOLD_____

BOARD OF HEALTH: I have reviewed the application and the Board of Health has _____APPROVED/_____DENIED the appropriate licenses based upon the requirements of the Town By-laws and State regulations/statute.

_____ _____ _____
HEALTH AGENT DATE REASON FOR DENIAL

BUILDING INSPECTOR: I have reviewed the application and ____APPROVED/____DENIED the application based upon the requirements of the Town by-laws and the State Building Code/Statute.

_____ _____ _____
BUILDING INSPECTOR DATE REASON FOR DENIAL

FIRE DEPARTMENT: I have reviewed the application and have ____APPROVED/___DENIED the application based upon the requirements of the Town By-Laws and State regulations/Statute.

_____ _____ _____
FIRE CHIEF DATE REASON FOR DENIAL

SEALER OF WEIGHTS & MEASURES: I have inspected the weighing and measuring devices intended to be used by the applicant and have _____APPROVED/_____DENIED the certification based on the accuracy of the devices.

_____ _____ _____
SEALER OF WEIGHTS & MEASURES DATE REASON FOR DENIAL

CATEGORY 32 - OPEN AIR/TRANSIENT AND TEMPORARY BUSINESS LICENSES
Old Reference - CATEGORY XXXXI - OPEN AIR TEMPORARY/TRANSIENT BUSINESS LICENSES
Change
1) Section 8 - GENERAL PROVISIONS (f) was changed to allow the vendor to have one sign for their business. Such sign shall be in conformance with all applicable Town By-laws pertaining to the regulation of signs.
No Other Changes

CATEGORY 35 - GARAGE AND YARD SALES

No person shall sell or offer for sale any goods, wares, merchandise or other articles or substances within the boundaries of the Town of Seekonk without first obtaining a permit from the Town Clerk no later than twelve noon on the Friday preceding the sale. The Town Clerk will notify the Police and Fire Departments.

A garage or yard sale shall be any sale held on the premises of a house or land abutting thereto within the said boundaries of the Town of Seekonk.

There shall be no more than (2) two-day (4), nor more than four (4) one-day garage or yard sales per year, at any one (l) location.

The fee shall be five dollars ($5.00) per permit, per day.

Said permit may be issued only to the owner of said property or their designee

Said permit issued thereunder shall not be transferable.

Any violations of this By-Law shall be subject to a fine not to exceed one hundred dollars ($100.00) for the first offense, one hundred fifty dollars ($150.00) for the second offense and two hundred dollars ($200.00) for the following offenses. Each day of violation shall constitute a separate offense.

Article 24: October 18, 1982 — Approved by Attorney General: July 31, 1984
Amended: Article 36, June 8, 1998 — Approved by Attorney General: August 27, 1998
Amended Article 1, May 16, 2006 — Approved by Attorney General: September 11, 2006

YARD SALE

FEE:_____
DATE_____

NAME:_____
ADDRESS:_____
DATE OF SALE:_____RAIN DATE:_____
SIGNATURE OF APPLICANT:_____

-YARD SALE PERMIT

FEE:_____
DATE ISSUED:_____

NAME:_____
ADDRESS:_____
DATE OF SALE:_____RAIN DATE:_____

LIMIT: (2) TWO (2) DAY YARD SALE PER YEAR – OR- (4) FOUR ONE DAY YARD SALES PER YEAR PER HOUSEHOLD.

_____
Date

.FEE: $5.00 PER DAY
LIMIT: 4 DAYS PER YEAR

THE PERMIT IS TO BE POSTED CONSPICOUSLY ON THE PREMISES DURING THE SALE.

YARD SALE PERMITS

These are the yard sale permits that are going to be held week ending _____/_____/_____

NAME	LOCATION	DATE OF SALE	RAIN DATE

** Town Clerk to forward to Police Department by 4:00 p.m. on Friday

CATEGORY 36 - LOITERING OR MISUSE OF PUBLIC WAY

A). Three or more persons shall not stand in a group or near each other on any public way or sidewalk or within a private way, or place to which the public has the right of way or access as invitees, in such manner as to obstruct free passage for pedestrians or vehicles, after a request to move is made by a police officer of the Town. Chapter 41 Section 98, Mass. General Laws.

Any person placing any obstruction on the sidewalk, highway or byway of the Town without a permit from the Board of Selectmen and who refuses to remove such obstruction immediately after receiving notice from a police officer, constable or Selectman, shall be subject to the penalties as provided hereinafter.

B). No person shall play ball, football or throw balls, stones, snowballs or any other missiles within or upon any public way of the Town. No violator of this By-Law shall be subject to the penalties set forth hereinafter unless he or she has been advised by a police officer, constable or Selectman to cease and desist and thereafter fails to do so forthwith after said warning. Any person convicted for violation of this By-Law shall be punished by a fine not to exceed fifty ($50.00) dollars for each offense.

Article 7: October 1, 1984
Amended: Article 37, June 8, 1998
Number amended Article 1, May 16, 2006

Approved by Attorney General: January 8, 1985
Approved by the Attorney General: August 27, 1998
Approved by the Attorney General: September 11, 2006

CATEGORY 37 - FIRE DEPARTMENT REGULATIONS

SECTION 1 - FIRE ALARM SYSTEMS

A. DEFINITIONS

1. "FIRE ALARM SYSTEM": An assembly of equipment and devices or single device such as a solid state unit which connects directly into a 110 Volt AC line. Any heat activated, smoke activated, flame energy activated or other such automatic device capable of transmitting a fire alarm signal directly to the Seekonk Fire Department by way of a master box.
2. "FIRE ALARM SYSTEM MALFUNCTION": The transmittal of a fire alarm directly to the Seekonk Fire Department via a master box which alarm is caused by a malfunction. For the purposes of this By-Law, a malfunction is defined as the failure of a fire alarm system to operate in the normal or usual manner due to improper installation of maintenance and/or mechanical defect(s) in the system, resulting in the transmittal of a needless alarm signal to the Seekonk Fire Department.
3. "FIRE ALARM SYSTEM OWNER": An individual or entity who owns the title to and/or has on his business a fire alarm system equipped to send a fire alarm signal directly to the Seekonk Fire Department by way of a master box. Excluded from this definition are residential properties, municipal, county, state and federal agencies.
4. "HALF-YEAR PERIOD": January 1 through June 30 or July 1 through December 31, as the case may be, of any calendar year.
5. "MASTER BOX OWNER": An individual or entity who has on his business a fire alarm system equipped to send a fire alarm signal directly to the Seekonk Fire Department via a master box.
6. "MALICIOUSLY INDUCED ALARM": An owner will not be assessed a fine for a maliciously induced alarm but a criminal complaint shall be brought against the initiator of the alarm. The authority having jurisdiction will determine through proper investigation whether or not the alarm was false or maliciously induced.

B. ADMINISTRATIVE RULES

The Fire Chief may promulgate such rules as may be necessary to the implementation of this By-Law.

C. REQUIREMENTS:
Any commercial or industrial property required by law to have an internal Fire Alarm or sprinkler system will have a lock box installed in a location agreeable to the Seekonk Fire Department.

D. CONNECTION OF FIRE ALARM SYSTEMS TO THE SEEKONK FIRE DEPARTMENT
Before the fire alarm system is connected to the Seekonk Fire Department, the master box owner shall provide the Fire Chief or his designee with the following information:

1. The name, address, and home and work telephone numbers of the master box owner.
2. The street address where the master box is located.
3. The names, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected to the master box.
4. The names, addresses and home and work telephone number of at least two other persons other than the owner who can be contacted twenty-four (24) hours a day, who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located.

If, at passage of this By-Law, a fire alarm system has already been connected to the Seekonk Fire Department via a master box, the master box owner shall comply with the requirements of this section within sixty (60) days after the Seekonk Fire Department has receipt of a registered/returned receipt letter of the requirements of this section.

If a master box owner fails to comply with this section, the Fire Chief or his designee may assess a fine of ($50.00) fifty dollars for each day of non-compliance.

E. UPDATING INFORMATION
Every master box owner shall be responsible for updating information herein required to be provided to the Fire Chief or his designee. If the information needs changing, the master box owner shall provide the Fire Chief or his designee with the updated information by the January 1st, following the changes. If a master box owner fails to comply with this section the Fire Chief or his designee shall assess a fine of ($50.00) fifty dollars for each day of non-compliance.

F. MASTER BOX SERVICE FEES
There will be annual fee of one hundred fifty dollars ($150.00) for each privately owned Master Fire Alarm Box. Fee payable within thirty (30) days of date of issue. Box services provided by the Fire Alarm Division, Seekonk Fire Department as specified in the Fire Alarm Rules and Regulations 8-1.1-8-1.7 as adopted by the Board of Selectman January 19, 1989, and amended from time to time.

G. TESTING OF EQUIPMENT
No alarm system designed to transmit emergency messages directly to the Seekonk Fire Department shall be worked on, tested or demonstrated without obtaining permission from the Seekonk Fire Department communications section. An unauthorized test constitutes a false alarm.

Permission is NOT required to test or demonstrate alarm devices not transmitting emergency messages directly to the Seekonk Fire Department.

H. PENALTIES
Upon receipt of three (3) or more false alarms within a six (6) month period from commercial/industrial properties, the Fire Chief or his designee may assess a fine pursuant to the Massachusetts General Laws chapter 40, Section 21 against the fire alarm system owner.

The following acts and omissions shall constitute violations of the By-Law punishable by the fines herein provided:

1. An alarm user whose alarm system transmits or otherwise causes more than three (3) false alarms in a one (1) year period shall be assessed a fine according to the following schedule:

a. Fourth False Alarm	$100.00
b. Fifth False Alarm	$150.00
c. Sixth False Alarm	$200.00

d. Seventh False Alarm	$250.00
e. Eighth False Alarm	$300.00
f. Any Subsequent False Alarms	$300.00

2. An alarm user who fails to comply with any of the requirement of paragraph G "Testing of Equipment" of this By-Law, shall be subject to a penalty of $300.00.

I. BURN IN PERIOD
A burn in period of thirty (30) days from final inspection will be granted during which time no fines will be assessed.

J. SEPARABILITY
If any clause, sentence, paragraph, or part of this local law or the application thereof to any persons or circumstances shall for any reason be adjudged by a Court to be invalid, such judgment shall not affect, impair or invalidate the remainder of the application thereof to other persons or circumstances but shall confirm in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy, in which such judgment shall have been rendered, and to the person or circumstances involved.

K. PERMIT FEES ALLOWABLE

1. FIRE ALARM FEES
Any commercial or industrial properties requiring an internal Fire Alarm and/or sprinkler system tied to the Seekonk Fire Department, will be required to obtain a permit for the connection of the auxiliary systems the municipal fire alarm system from the authority having jurisdiction (The Fire Chief or his designee).

There will be a non-refundable fee to be submitted with the completed application. As specified in Fire Alarm Rules and Regulations 1-5.5 adopted January 18, 1989 and amended from time to time.

2. BLUE PRINT & PLAN REVIEW
For any commercial or industrial properties requiring an internal Fire Alarm and/or sprinkler system tied to the Seekonk Fire Department, there will be a non-refundable fee for the purpose of reviewing blue prints and/or plans submitted to the Fire Department required by the authority having jurisdiction (The Chief or his Designee) with a stamp of approval. As specified in Fire Alarm Rules and Regulations 2-11 as adopted January 18, 1989 and amended from time to time.

TOWN OF SEEKONK FEE SCHEDULE

AS ALLOWABLE BY MGL CHAPTER 148 FIRE PREVENTION RULES AND REGULATIONS OF COMMONWEALTH OF MASSACHUSETTS.

	FEE
BLACK POWDER / EXPLOSIVES PERMIT	$ 35.00
BLASTING PERMITS	$ 50.00
BRUSH BURNING PERMITS	$ 5.00
COMMERCIAL PLAN REVIEW (< 10,000 SQ. FT.)	$400.00
COMMERCIAL PLAN REVIEW (> 10,000 SQ. FT.)	$600.00
COMMERCIAL SPRINKLER PERMITS	$100.00
COMMERCIAL FIRE ALARM PERMITS	$100.00

COMMERCIAL / INDUSTRIAL ANSUL FIRE SUPPRESSION PERMIT	$ 75.00
CUTTING / WELDING PERMIT	$ 35.00
DUMPSTER PERMITS (> 5 CU YDS.)	$ 25.00
FIRE WORKS PERMIT	$ 50.00
FLAMMABLE / COMBUSTIBLE STORAGE PERMIT (ANNUAL)	$ 35.00
FUMIGATION	$ 35.00
NEW & RENEWED FP 290's (5 YEAR PERMIT) (PER TANK)	$ 50.00
OIL BURNER / TANK INSTALLATION PERMIT	$ 35.00
OVERNIGHT PARKING (TANKER)	$ 35.00
PROPANE STORAGE TANKS (< 500 GALLONS)	$ 35.00
PROPANE STORAGE TANKS (500 – 1,000 GALLONS)	$ 50.00
PROPANE STORAGE TANKS (> 1,000 GALLONS)	$100.00
RESIDENTIAL PLAN REVIEW (< 5,000 SQ. FT.)	$ 50.00
RESIDENTIAL PLAN REVIEW (> 5,000 SQ. FT.)	$100.00
REPORT REQUESTS (FIRE / RESCUE)	$ 10.00
SEASONAL DISPLAYS	$ 35.00
SMOKE DETECTOR / CO INSPECTION - 26F (EACH UNIT)	$ 35.00

Not to exceed $150.00 for structures with 6 or fewer units.
Not to exceed $500. for structures with more than 6 units.
Other permitting allowable by M.G.L.c148 $35.00

TANK INSTALLATIONS / REMOVAL	
ABOVE GROUND/UNDERGROUND (< 500 GALLONS)	$ 35.00
ABOVE GROUND/UNDERGROUND (500 – 1,000 GALLONS)	$ 50.00
ABOVE GROUND/UNDERGROUND (> 1,000 GALLONS)	$200.00
TANK TRUCK INSPECTIONS (2 YEAR PERMIT)	$ 35.00

Adopted: Article 38, June 8, 1998 — Approved by the Attorney General: August 27, 1998
Amended: Article 16, May 19, 2008 — Approved by the Attorney General: August 25, 2008
Amended: Article 17 May 27, 2009 — Approved by the Attorney General Sept. 14, 2009

CATEGORY 37A – ALARM BY-LAW

SECTION 1 - PURPOSE AND SCOPE

(a) This section does not apply to anyone who has a Master Box installed. Please See Fire Department Regulations. This By-Law governs burglary, robbery and fire alarm systems, established service fees and provides a system of administration.

(b) Any building 7500 square feet or more shall be required to connect to the municipal fire alarm system effective upon approval of these By-Laws by town meeting.

(c) The purpose of this By-Law is to reduce the number of false alarms and thereby protect the public safety by minimizing unnecessary use of the Town's limited law enforcement and fire protection resources.

SECTION 2 - DEFINITIONS

For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ALARM SYSTEM: Any device or system which transmits a signal visibly, audibly, electronically, mechanically or by any combination of these methods which indicates a hazard or occurrence requiring urgent attention and to which Police or Fire personnel are expected to respond. Alarm system shall not include a personal, direct telephonic call requesting emergency services from a person at the premises in question.

ALARM USER: The occupant of the premises which are protected by the alarm system.

ANSWERING SERVICE: A telephone answering service providing among its services the service of receiving on a continuous basis, through trained employees, emergency signals from alarm systems and thereafter immediately replaying the message by live voice to the public safety communication center of the Town of Seekonk.

AUTOMATIC DIALING DEVICE: A device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency respond.

FALSE ALARM: Any alarm signal communicated to the Town public safety communication center which is not reasonably believed to be in response to actual or threatened felonious criminal activity or fire or rescue. False alarms include negligently activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment: and signals which are purposely activated to summon the police or fire personnel in non emergency situations. False alarms shall not include signals activated by unusually severe weather conditions or other causes which are identified by the Chief of Police or Fire, or his designee, to be beyond the control of the user.

INDIRECT ALARM TRANSMITTAL: Any security alarm system which does not directly terminate in the Town public safety communications center but which causes a third party or answering service to notify the communication center of the alarm activation.

INSTALLER: Any person who installs, services, monitors, sells or leases any security system.

INTERCONNECT: To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.
NEGLIGENTLY ACTIVATED: The doing of an act where ordinary care suggests that the act should not have been done at all or that it should have been done in some other way.

NON-EMERGENCY: Any activation of an alarm resulting in a response by the division of police or fire other than that purpose for which the system was designed, installed and approved by the Town.

SECTION 3 - TELEPHONE DIAL ALARM SYSTEMS REGULATED
It shall be unlawful for any person to install, sell, lease or use, or cause to allow to be installed, sold, leased or used, within the jurisdiction boundaries of the Town, automatic telephone dialing alarm devices or systems which are set or programmed to directly dial, actuate, call or in any other manner make direct contact with any telephone line or radio circuit of the Town public safety communication center without the prior approval of the Chief of Police or Fire Departments.

SECTION 4 - SECURITY ALARM USER'S DATA FORM
Upon installing a security alarm system, all users shall, on a form provided for that purpose, furnish the Town public safety communication center with the following information: Name and location of alarmed premises; type of alarmed premises (residential or commercial); normal operating hours, if commercial; individual(s) designated by the user to respond when notified; manufacturer, model and type of alarm system; name, address and telephone number of the service company; zone of alarm, if applicable; and other applicable information. A minimum of three (3) names shall be submitted for notification.

SECTION 5 - CONTROL AND CURTAILMENT OF SIGNALS EMITTED BY ALARM SYSTEMS
(a) All alarm systems installed after the effective date of this ordinance, which use an outside audible horn or bell shall be equipped with a device that will shut off such horn or bell within thirty (30) minutes after activation of the alarm system.

b) Any alarm system emitting a continuous and uninterrupted signal for more that forty five (45) minutes between 7:00 PM and 6:00 AM which cannot be silenced or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under Section 4, and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor to contact the alarm user, or members of the alarm user's family, or the persons designated by the alarm user under Section 4, in an effort to abate the nuisance.

The Police Chief shall cause to be recorded the names and addresses of all complaints and the time each complaint was made. Users with alarm systems installed before December 1, 1984 must comply with the requirements of this section within one hundred and twenty (120) days of such date

SECTION 6 - DUTIES OF SECURITY ALARM USERS

It shall be the responsibility of security and fire alarm users to instruct employees or others who may have occasion to activate an alarm, that alarm systems are to be activated only in emergency situations to summon an immediate Police or Fire response. Alarm users shall also instruct appropriate employees as to the operation of the alarm system, including setting, activation and resetting of the alarm. All instructions pertaining to alarm systems and procedures shall be in written form, suitable for distribution to employees, and shall be available for inspection by representatives of the police or fire departments. The user shall be responsible for maintaining the security system in proper working order.

SECTION 7 - DELIBERATE FALSE ALARMS

It shall be unlawful for any person to deliberately and without just cause activate an alarm system to summon the Town police or fire departments in a non emergency situation. Nothing herein contained shall apply to the periodic testing of direct transmittal alarms when sufficient notice is given to the dispatcher, Town Police and Fire Departments.

SECTION 8 - SERVICE FEES, TERMINATION OF RESPONSE

1. Upon receipt of five (5) or more false alarms within a calendar Year, the Police Chief, or Fire Chief:
   (a) may order the user to discontinue the use of the alarm
   (b) may disconnect any direct connections to the public safety communication center, after notification to user
   (c) may order that further connections to the communications center will be contingent upon the user equipping an alarm system with a device that will shut off any audible horn or bell within thirty (30) minutes after activation of the alarm system.

2. The user may appeal the decision of the Police or Fire Chief made under paragraph 1 of this section to the Board of Selectmen for hearing and review.

3. The first four (4) false alarms will be free. The user shall be assessed a twenty-five dollar ($25.00) false alarm fee for the fifth (5), sixth (6) and seventh (7) false alarm. The user shall be assessed a fifty dollar ($50.00) false alarm fee for each additional false alarm fee until the end of the calendar year.

4. Reinstatement of services: Any service which has been discontinued shall not be reinstated until it has been inspected by an alarm company licensed to do business in the state, who shall certify the system has been repaired and is now found to be in a reliable status. In the event the false alarm occurred through human negligence rather than mechanical failure, reinstatement shall not be permitted until the user, its employees and all others having access to the system have completed a training program satisfactory to the police and Fire Chiefs. In addition to such written certification to the Police and Fire Chiefs, a reinstatement fee of fifty ($50.00) dollars payable to the Town of Seekonk, must accompany the request for reinstatement. The inspection, repair and rectification of any alarm system shall be accomplished at the alarm user's expense.

SECTION 9 - EXCEPTIONS

The service and reinstatement fees of this By-Law shall not be applied to any alarm system used, operated or installed in any premises or place owned, leased, occupied or under the control of the United States Government, the State, or any of its political subdivisions, nor to the officer, agent or employee of the aforesaid governmental agencies while acting or employed in their official capacity.

SECTION 10 - PENALTIES

Any person who installs, sells, leases or utilizes an alarm system in violation of this By-Law, shall be punished in accordance with the Massachusetts General Laws applicable at the time of violation.

Article 8: April 8, 1985
Amended: Article 39, June 8, 1998
Amended Article 1, May 16, 2006

Approved by Attorney General: May 24, 1985
Approved by Attorney General: August 27, 1998
Approved by Attorney General: Sept. 11, 2006

CATEGORY 38 - PUBLIC SAFETY CONTACT INFORMATION

1. In order to facilitate the delivery of emergency services in the town, each commercial, industrial and institutional establishment shall provide contact information to the Public Safety Center on a form provided by the Center. Such information shall include the name, address and telephone number of the current owner of the business, the current owner of the premises where the business is located (if different), and persons who may be contacted for an emergency

which takes place during non-business hours. It shall be the responsibility of the business owner to update any information on record immediately upon any change.

2. Each time a public safety officer responds to a business which does not have current information on file shall be a violation of this by-law.

3. Any violation of this by-law shall be punishable as follows:
   a. first offense during any calendar year, warning;
   b. thereafter, fifty dollars ($50.00) a day for continued non-conformance

Article 1, May 16, 2006 Approved Attorney General, September 11, 2006

CATEGORY 39 - ENFORCEMENT

SECTION 1 - ENFORCEMENT

a) Criminal Complaint:
Whoever violates any provision of these by-laws may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law, as the District Court shall see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be three hundred ($300.00) dollars.

b) Non-criminal disposition:
Whoever violates any provisions of these By-Laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in General Laws, Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer board or department.

Without intending to limit the generality of the foregoing, it is the intention of the provision that the following By-Laws and sections of By-Laws and Regulations are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases, and that in addition to Police Officers, who shall always be considered enforcing persons for the purpose of this provision, the municipal personnel list for each section, if any, shall also be enforcing personnel for such sections; each day on which any violation exists shall be deemed to be a separate offense.

GENERAL BY-LAW AS PER MASSACHUSETTS GENERAL LAW:

GENERAL BY-LAW
CATEGORY 14 - CONTROL OF DOGS
CATEGORY 14A - DOG RESTRAINT PROGRAM
CATEGORY 14B - ANIMAL CONTROL BY-LAW MGL FEE SCHEDULE
CATEGORY 15 - DOG POUND SERVICE FEE
CATEGORY 16 - FEE FOR LICENSING OF DOGS
CATEGORY 17 A - EARTH REMOVAL
CATEGORY 17B - PLACEMENT OF FILL
CATEGORY 20A - ILLICIT CONNECTIONS AND DISCHARGES TO THE STORM DRAIN SYSTEM
CATEGORY 21 – REFUSE, GARBAGE
CATEGORY 24 – SALE OF MOTOR VEHICLES
CATEGORY 28 – ANTI-NOISE BY-LAW
CATEGORY 30 – FIRE LANE PARKING – PROHIBITED
CATEGORY 31 – PUBLIC CONSUMPTION OIF ALCOHOLIC BEVERAGES PROHIBITED
CATEGORY 33 – LICENSING OF DEALERS IN JUNK, ANTIQUES, SECOND-HAND ARTICLES
CATEGORY 34 – OPEN AIR/TRANSIENT AND TEMPORARY BUSINESS LICENSES
CATEGORY 35 – GARAGE AND YARD SALES
CATEGORY 38 – PUBLIC SAFETY CONTACT INFORMATION
CATEGORY 41- ZONING:The enforcing persons shall be the Building Commissioner, the Local Inspector, and/or the Assistant Zoning Enforcement Officer. First offense shall be a warning; second offense shall be $100.00. Third offense shall be $300.00 and each day that the violation exists shall be deemed to be a separate offense.
CATEGORY 49-Sealer of Weights and Measures; non-criminal fine by citation of $100 for each violation, up to a maximum of $2500. Per inspection, with each item which scans erroneously constituting a separate civil violation.

REGULATIONS, SECTION 13.4.0 PENALTIES 2
Regulations 13.1.0 Health Agent Fine $50.00

Article 14 Adopted: October 16, 1989
Amended Article 44, June 8, 1998
Amended Article 21 June 11, 2012
Amended Article 27, November 13, 2012
Amended Article 8, March 27, 2013

Approved by Attorney General: January 12, 1990
Approved by the Attorney General: August 27, 1998
Approved by the Att: General July 18, 2012
Approved by Attorney General: Jan. 8, 2013
Approved by Attorney General May 20, 2013

CATEGORY 40 - WETLANDS PROTECTION BY-LAW

SEEKONK CONSERVATION COMMISSION

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SEEKONK CONSERVATION COMMISSION
GENERAL WETLANDS PROTECTION BY-LAW

SECTION 1: Purpose

The purpose of this by law is to protect the wetlands, related water resources, and adjoining land areas in the Town of Seekonk by prior review and control of activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution prevention, fisheries, shellfish, wildlife habitat, rare species habitat including rare plant species, aesthetics, and agriculture, aquaculture, and recreation values deemed important to the community (collectively, the "resource area values protected by this by-law"). This by-law is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations thereunder (310 CMR 10.00). In addition to the more stringent protection noted above, this by-law is intended to incorporate changes in the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations thereunder (310 CMR 10.00), as they may be amended from time to time.

SECTION 2: Jurisdiction

Except as permitted by the Conservation Commission or as provided in this by-law, no person shall remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas: any freshwater wetland; isolated wetland; coastal wetland; marsh; wet meadow; bog swamp or vernal pool; bank; reservoir lake; pond of any size; river; stream or estuary; any land under said waters; land subject to flooding or inundation by groundwater, surface water, tidal action, or coastal storm flowage or flooding; and lands abutting any of the aforesaid resource areas as set out in Section 7. (collectively the "resource areas protected by this by-law"). Said resources shall be protected whether or not they border surface waters.

SECTION 3: Exceptions (change voted on 4/10/95)

The permit and application required by this by-law shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public

to provide electric, gas, water, telephone, telegraph, radio and television transmissions, or other telecommunication services, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

The permit and application required by this by-law shall not be required for work performed for normal maintenance or improvement of land which is lawfully in agricultural use at the time, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

Land defined as "in agricultural use" must already be actively devoted to agricultural use, as opposed to the entire property, and must either have been in such use since before 1975 or have received a permit for conversion to agriculture from the Conservation Commission to be subject to this exemption. Proposals to convert land to agricultural use must be reviewed by the Conservation Commission.

Land that has been brought within agricultural use after 1975 without having first been issued a permit by the Conservation Commission is not considered to be land that is lawfully already being used for agricultural purposes.

Agricultural land can be fallow for some time if it has been used for agriculture for at least three of the preceding five years.

Agricultural uses of land include: raising livestock; growing cranberries; growing other foods for human or animal consumption; raising sod, trees, nursery stock, and ornamental plants; forestry activities, where the land is managed for a continuous crop, and tree farming.

Only activities that constitute "normal maintenance or improvement" of existing agricultural land are exempt from regulation. Such activities include: plowing and tilling, pasturing of animals, using fertilizers, pesticides, and other chemicals in accordance with state and federal law, projects including ditches, drains, access roads, farm ponds, erosion control devices designed to improve drainage, increase access, and enhance productivity and efficiency of the agricultural operations, cultivating cranberries, provided that all activities are conducted in a way as to prevent erosion and siltation, cutting and removing trees for market of the trees or forest products, and selective cutting of trees for individual use by the owners. Tree cutting on land that is not agricultural land is not included.

Normal maintenance or improvement must be related to ongoing uses, i.e., agricultural activity during the past five years.

The permit and application required by this by-law shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof, provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement, provided that the Conservation Commission or its agent certifies the work as an emergency project, provided that the work is performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency, and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this by-law. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

SECTION 4: Applications for Permits and Requests for Determination

Written application shall be filed with the Commission to perform activities regulated by this by-law affecting resource areas protected by this by-law. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this by-law. No activities shall commence without receiving and complying with a permit issued pursuant to this by-law.

The Commission in an appropriate case may accept as the application and plans under this by-law the Notice of Intent and plans filed under the Wetland Protection Act, M.G.L. c. 131, §40 and Regulations (310CMR 10.00).
Any person desiring to know whether or not proposed activity or an area is subject to this by-law may in writing request a determination from the Commission. Such a Request for Determination (RFD) shall include data and plans as are deemed necessary by the Commission.

At the time of an application or request, the applicant shall pay a filling fee as required by the Wetlands Protection Act, M.G.L. c. 131, §40. The Commission may waive the filling fee and costs and expenses for an application or request filed by a government agency and may waive them for a request for determination filed by a person having no financial connection with the property which is the subject of the request.

SECTION 5: Notice and Hearings

Any person filing an application with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivery, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters shall enclose a copy of the application, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent, by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any application or Request for Determination, with written notice given at the expense of the applicant five working days prior to the hearing, in a newspaper of general circulation in the municipality.

The Commission shall commence the public hearing within 21 days from receipt of a completed application or Request for Determination unless an extension is authorized in writing by the applicant.

The Commission shall issue its permit or determination in writing with 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission in an appropriate case may combine its hearing under the by-law with the hearing conducted under the Wetlands Protection Act, M.G.L. c. 131, §40 and Regulations (310CMR 10.00).

The Commission shall have authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant, deemed necessary by the Commission in its discretion, or comments, and recommendations of boards and officials list in Section 6. In the event the applicant object to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

SECTION 6: Coordination with Other Boards

Any person filing a permit application or a Request for Determination with the Commission can be required to provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the Board of Selectmen, Planning Board, Board of Appeals, Board of Health, and Building Inspector. A copy shall be provided in the same manner to the Conservation Commission of the adjoining municipality, if the application or RFD pertains to property within 300 feet of that municipality. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not take final action until such boards and officials have had 14 days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any such comments and recommendations and to respond to them at a hearing of the Commission, prior to final action.

SECTION 7: Permits, Determinations, and Conditions

If the Commission after a public hearing determines that the activities which are the subject of the application or the land and water uses which will result therefrom are likely to have a significant or cumulative effect upon the resource area values protected by this by-law, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

The Commission is empowered to deny a permit for failure to meet the requirements of this by-law, for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this by-law; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

Lands within 200 feet of rivers, ponds, and lakes, and lands within 100 feet of other resource areas listed in Section 2 are within the jurisdiction of the Seekonk Conservation Commission. These lands are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. these adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within the 200-foot [or 100-foot] area, unless the applicant convinces the Commission that the area or part of it maybe disturbed without harm to the values protected by the by-law.

In the review of areas within 200 feet of rivers and streams, no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this by-law, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed property use, overall project purpose (e.g. residential, institutional, commercial, or industrial purpose), logistics, existing technology, costs of the alternatives, and overall project costs.

To prevent wetlands loss, the Commission shall require applicants to avoid wetlands alteration wherever feasible; shall minimize wetlands alteration; and, where alteration is unavoidable, shall require full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication.

A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed for a period of up to one year at the discretion of the Commission, provided that a request for a renewal is received in writing by the Commission 30 days prior to expiration. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

For good cause the Commission may revoke or modify a permit or determination issued under this by-law after notice to the holder of the permit or determination, notice to the public, abutters, and town boards pursuant to Section 5, and Section 6, and a public hearing.

The Commission, in an appropriate case, may combine the permit or other action on an application issued under this by-law with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act (M.G.L. Ch. 131 §40) and Regulations (310CMR 10.00).

No work proposed in any application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the permit has been so recorded.

SECTION 8: Regulations

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

At a minimum, these regulations shall define key terms in this by-law not inconsistent with this by-law.

SECTION 9: Definitions

The following definitions shall apply in the interpretation and implementation of this by-law.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this by-law:

(a) Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any kind;
(b) Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns flow or patterns, flood retention characteristics;
(c) Drainage or other disturbance of water level or water table;
(d] Dumping, discharging or filling with any material which may degrade water quality;
(e) Placing of fill, or removal of material, which would alter elevation;
(f) Driving of piles, erection or repair of buildings, constructures of any kind;
(g) Placing of obstructions or objects in water;
(h) Destruction of plant life including cutting of trees;
(i) Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water;
(j) Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater;
(k) Application of pesticides or herbicides.
(l) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this by-law.

The term "bank" shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town by-laws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term "pond (inland)" means any open body of fresh water of any size. Ponds may be either naturally occurring or man-made by impoundment, excavation, or otherwise. Ponds shall contain standing water except for periods of extended drought. For purposes of this definition, extended drought shall mean any period of four or more months during which the average rainfall for each month is 50% or less of the ten year average for that same month.

Notwithstanding the above, the following man-made bodies of open water shall not be considered ponds:

(a) basins or lagoons which are part of wastewater treatment plants;
(b) swimming pools or other impervious man-made basins; and
(c) individual gravel pits or quarries excavated from upland areas unless inactive for five or more consecutive years.

The term "rare species" shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

The term "vernal pool" shall include a confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife.

Except as otherwise provided in this by-law or in regulations of the Commission, the definitions of terms in this by-law shall be as set forth in the Wetlands Protection Act, M.G.L. c. 131, §40 and Regulations (310CMR 10.00).

SECTION 10: Security

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

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

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

SECTION 11: Enforcement

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this by-law, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this by-law.

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or samplings as the Commission deems necessary subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have authority to enforce this by-law, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions. Any person who violates provisions of this by-law may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

Upon request of the Commission, the Board of Selectmen and the Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this by-law, or regulations, permits or administrative orders issued thereunder, shall be punished by a fine of not more than $300. Each day or portion thereof during which a violation continues or unauthorized fill or other alteration remains in place shall constitute a separate offense, and each provision of the by-law, regulations, or permit violated shall constitute a separate offense.

Non-criminal disposition - In addition to the procedures for enforcement as described above, the provisions of this general wetlands protection by-law may also be enforced by non-criminal complaint pursuant to the provisions of M.G.L. c. 40, §21D, which has been adopted by the Town in Category 40 Enforcement of the General By-laws. The enforcement agent shall be the Conservation Agent or a police officer. The penalty for violation of any provision of this by-law shall be $100 for the first offense; $200 for the second offense and $300 for the third and each subsequent offense.

Each day on which a violation exists shall be deemed to be a separate offense.

SECTION 12: Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the resource area values protected by this by-law. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

SECTION 13: Appeals

A decision of the Commission shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L., c. 249, §4.

SECTION 14: Relation to the Wetlands Protection Act

This by-law is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act. M.G.L., c. 131, §40, and Regulations (310 CMR 10.00) thereunder.

SECTION 15: Severability
The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

Adopted: Article 12, April 10, 1998 — Approved by the Attorney General
Amended: Article 45, June 8, 1998 — Approved by the Attorney General: August 27, 1998
Changes adopted November 17, 2003 Special Town Meeting — Approved by Attorney General December 4, 2003

CATEGORY 41 - ZONING

There is in effect in the Town of Seekonk a Zoning By-Law approved by the voters of the Town on April 28, 1958, and approved the Attorney General of the Commonwealth on October 2. 1958.

This Zoning By-Law and amendments thereto is available in a separate printing.

Amended: Article 46, June 8, 1998 — Approved by the Attorney General: August 27, 1998

CATEGORY 42 - BUILDING CODE

There is in effect in the Town of Seekonk a Building Code By-Law approved by the voters of the Town on November 28, 1960, ar approved by the Attorney General of the Commonwealth of January 23, 1961 and Chapter 780 Code of Massachusetts Regulations (CAR).

This Building Code By-Law is available in a separate printing and is therefore not reproduced here.

Amended Article 47, June 8, 1998 — Approved by the Attorney General: August 27, 1998

CATEGORY 43 - PERSONNEL ADMINISTRATION POLICY

There is in effect in the Town of Seekonk a Personnel Administration By-Law approved by the Town Meeting on April 19, 1984; Article 24.

This document is available in a separate printing and is therefore not reproduced here.

Amended: Article 48, June 8, 1998 — Approved by the Attorney General: August 27, 1998

CATEGORY 44 - PARKS & RECREATION COMMITTEE

In accordance with the provisions of M.G.L. Chapter 40, Section 8E of the Massachusetts General Laws:
Section I
The Board of Selectmen shall appoint a Parks & Recreation Committee for the purpose of overseeing the recreational needs of the Town of Seekonk.

A. The Parks & Recreation Committee will manage and oversee improvements of the town's recreational fields and their facilities, located thereon.
B. The Parks & Recreation Committee will prepare annual budgets for ongoing field maintenance, field and facility improvements, recreation programs and services.
C. The Parks & Recreation Committee shall make policy in compliance with local and state laws and regulations pertaining to the recreational needs of the town.
D. As budgets dictate, the Parks & Recreation Committee will provide recreational programs and services for the town.
E. The Parks & Recreation Committee will oversee the issuance of field permits for the Town of Seekonk.

Section II
The Board of Selectmen shall appoint the Commission, consisting of five (5) members who shall be appointed for a term of three years each. Appointees shall be residents of the town, and such appointments shall terminate automatically if the appointee no longer resides in town. At its discretion, the Board can re-appoint the Commission members for consecutive

terms. Commission members serve without pay. Commission members may be removed after notice and hearing by the Board of Selectmen when the Board shall judge that the best interests of the town are served thereby.

Section III

Whenever a vacancy shall occur in the membership of the Parks & Recreation Committee, by reason of death, resignation, inability to act, or for any other reason, the vacancy will be filled by appointment by the Board of Selectmen for the remainder of the previous member's term.

Section IV

The Parks & Recreation Committee will at its first meeting in January of each calendar year, elect from its membership a chairperson, vice-chairman, and secretary. Each officer shall hold office until the next year's annual election. In the event a vacancy occurs in any of the offices above, the Commission shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

A. The Chairperson presides at all meetings and arranges times and places for all meetings. Also serves as spokesman for the Commission in relation with the public. The Chairperson votes only when there is a tie vote and is responsible for preparing agendas, appointing all committees and acts as an ex-officio member on all committees.

B. The Vice-Chairperson presides in the absence of the Chairperson and performs the functions normally performed by the Chairperson. The Vice-Chairperson shall be in close contact with the Chairperson in all commission business for good continuity in the accomplishment of the commission's duties.

C. The Secretary notifies members of the time and place of each meeting and is responsible for keeping detailed minutes of meetings and for making detailed records of those meetings after meetings. The Secretary serves as corresponding secretary in conjunction with the Town Administrator.

Section V

The Board of Selectmen shall appoint, upon the recommendation of the commission, such full and part-time employees as may be provided for by appropriation or from other available funding sources, including gifts, grants, or program fees, all in accordance with law.

Article 8 adopted by Annual Town Meeting: May 15, 2000
Amended: Article 7, March 12, 2001 — Approved by Attorney General: October 2, 2000
Amended: Article 2, November 30, 2009 — Approved by Attorney General: December 17, 2009

CATEGORY 45 - FEE SCHEDULES

GASOLINE STORAGE

In accordance with the provisions of Massachusetts General Law Chapter 148, Section 13

Original License:	FEE
1-10,000 gallons	$100.00
Each added 1,000 gallons	$0.00
Personal, private or business use, with no sale	$20.00
Registration renewal fees:	
1-10,000 gallons	$50.00
Each added 1,000 gallons	$0.00
Personal, private or business use, with no sale	$10.00

Article 5: May 24, 1971 — Approved by Attorney General: August 10, 1971
Article 3: October 16, 1989 — Approved by Attorney General
Amended: Article 40, June 8, 1998 — Approved by the Attorney General: August 27, 1998

WEIGHTS AND MEASURES

In accordance with MGL Chapter 98, Section 56, the annual fees for sealing, weighing or measuring devices in the Town of Seekonk will be as follows:

Automated electronic checkout systems/point of origin systems:

1 to 4 cash registers or computer terminals $75.00
5 to 11 cash registers or computer terminals $150.00
Greater than 11 cash registers or computer terminals $250.00

Each scale with a weighing capacity of :

Less than 10 lbs.	$ 10.00
10 lbs. - 100 lbs.	$ 12.00
100 lbs. - 1000 lbs.	$ 20.00
1000 lbs. - 5000 lbs.	$ 40.00
5000 lbs. - 10,000 lbs.	$ 55.00
More than 10,000 lbs.	$100.00
Oil Trucks	$ 30.00
Gasoline Pumps	$ 15.00
Adjusting Pumps and Scales	$ 5.00
Reverse vending	$ 10.00

Article 10: October 7, 1985
Amended: Article 41, June 8, 1998
Amended Article 10 May 28, 2002
Amended Article 7, March 27, 2013

Approved by Attorney General: November 19, 1985
Approved by the Attorney General: August 27, 1998
Approved by Attorney General July 1, 2002

MISCELLANEOUS FEES

As authorized by Chapter 329, Section 73 of the Acts of 1981:

CHAPTER 140, SECTION 202

(37) For issuing & recording licenses to keepers of intelligence offices.	Fee $ 25.00
(38) For issuing & recording licenses to Junk Dealers.	Fee $100.00
(38a) For issuing & recording licenses to Junk Collectors.	Fee $ 50.00
(39) For issuing & recording Pawnbrokers license.	Fee $100.00
(40) For issuing & recording licenses to keepers of billiard saloons, pool or sippio rooms or tables, bowling alleys, etc.	1st Fee $30.00, additional $15.00.

CHAPTER 262, SECTION 34

(1) For filing and indexing assignment for benefit of creditors.	Fee $ 10.00
[11] For entering amendment of a record of the birth of an illegitimate child subsequently legitimized.	Fee $ 10.00
(12) For correcting errors in a record of birth.	Fee $ 10.00
(13) For furnishing certificate of birth.	Fee $ 10.00
(13a) For furnishing an abstract copy of a record of birth.	Fee $ 4.00
(14) For entering delayed record of birth.	Fee $10.00
(20) For filing certificate of a person conducting business under any title other than his real name.	Fee $ 20.00
[21] For filing by a person conducting business under any title other than his real name, of statement of change of his residence, or of his discontinuance, retirement or withdrawal from, or of a change of location of such business.	Fee $10.00
(22) For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such businesses.	Fee $5.00
(24) For recording the name & address, the date and number of the certificate issued to a person registered for the practice of podiatry in the Commonwealth.	Fee $20.00
(29) For correcting errors in a record of death.	Fee $10.00
(30) For furnishing a certificate of death.	Fee $10.00
(30a) For furnishing an abstract copy of a record of death.	Fee $4.00
(42) For entering notice of intention of marriage and issuing certificates thereof.	Fee $20.00
(43) For entering certificate of marriage filed by Persons married out of the Commonwealth.	Fee $5.00
(44) For issuing certificate of marriage	Fee $10.00
(44a) For furnishing an abstract copy of a record of marriage.	Fee $4.00

(45) For correcting errors in a record of marriage. Fee $10.00
(54) For recording power of attorney. Fee $10.00
(57) For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof. Fee $20.00
(58) For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth. Fee $20.00

(62) For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cables or attachments under the provisions of Sec. 22 of Chapter 166. Fee $40.00 flat rate, additional streets $10.00

(66) For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than $5.00.

(67) For copying any manuscript or record pertaining to a birth, marriage or death. Fee $5.00 per page
(
69) For receiving and filing of a complete inventory of all items to be included in a "closing out sale" etc. Fee $10.00 for first page + $2.00 for each additional page

(75) For filing a copy of written instrument of declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by Sec. 2, Ch. 182. Fee $20.00
(78) For recording deed of lot or plat in a public burial place or cemetery. Fee $10.00
(79) Recording any other documents Fee of $10.00 for the first page and $2.00 for each additional page.
(80) Voter's certificate Fee $5.00

Article 8: April 13, 1981 Approved by the Attorney General: 1988
Amended RTM, Article 18: June 20, 1988 Approved by the Attorney General: August 27, 1998
Amended: Article 42, June 8, 1998 Approved by the Attorney General: August 31, 2001
Article 14: May 21, 2001

LICENSE FEES

DESCRIPTION	
Bicycle Registration	$2.50
Milk Inspection	$10.00
Inspection of Pasteurizing Plane	$40.00
Cattle Weighing	$2.00
License for Handling Wood Alcohol	$5.00
Permit for the opening of a street, lane, or highway	$50.00
Sealing of Weights & Measures Service	
Scale X/capacity of 10,000 lbs.	$100.00
Scale X/capacity of 5-10,000 lbs.	$55.00
Scale X/capacity of 1-5,000 lbs.	$40.00
Scale X/capacity of 100-1000 lbs.	$25.00
Scale X/balance 10-100 lbs.	$12.00
Liquid capacity measuring of capacity of more than 1 gallon & measure on pumps	$10.00
Liquid Measuring Meter Diameter over 1"	
Vehicle tank pump	$30.00
Vehicle tank gravity	$40.00
Bulk storage	$60.00
Taximeter	$17.00
Devise to determine linear or area	$10.00
All weights and other measures	$5.00
License for killing horses or other animals	$10.00
License for stable (cities and towns over 5000)	$40.00
License for electrologists	$10.00

License for pharmacists to sell alcoholic beverages	$600.00
License of inns and eating establishments	$50.00
License to service non-alcoholic beverages	$25.00
License for mobile home parks, motels, etc.	$50.00
License for places of public lodging	$50.00
License for sale of food	$100.00
License for shooting galleries	$25.00
Pawnbroker license	$100.00
License for automatic amusement devices	$100.00
License for innholders and restaurants	$50.00
License for fortune tellers	$50.00
License for rental of boats	

Inspections & Fees in the Fire Department (covers a wide range of permits)

Licenses for land for explosives and inflammable materials	$1000.00
Permit to remove underground gasoline tanks	$ 200.00
Permit for Burning	$ 5.00
Registration of milk products	$ 5.00
Permit for raffles or bazaars	$ 10.00
Permit for Removal of underground Fuel Oil or Diesel Tanks	$ 10.00

All fees associated with municipal operations shall be waived.

Article 23: October 19, 1981	Approved by Attorney General September 6, 1988
Amended Article 2: October 16, 1989	Approved by Attorney General
Amended: Article 43, June 8, 1998	Approved by the Attorney General August 27, 1998
Amended Article 11 May 28, 2002	Approved by the Attorney General July 1, 2002
Amended Article 7 March 27, 2013	Approved by Attorney General May 20, 2013

Updated 5/2007

CATEGORY 46-PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL

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

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c. 40 s. 21, or by non-criminal disposition pursuant to M.G.L. authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars ($300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under M.G.L. c. 94c, s. 32L

Article 18, May 27, 2009 Approved by Attorney General Sept. 14, 2009

CATEGORY 47 -- COMMUNITY PRESERVATION COMMITTEE

Section 1 – Establishment

Pursuant to Massachusetts General Laws c. 44B, s. 5 a Community Preservation Committee consisting of nine (9) members is hereby established for the purpose of making recommendations to the Town Meeting for

community preservation in accordance with the Community Preservation Act, General Laws c. 44B, §§ 3-7 and the Town ballot voter acceptance and this by-law. The composition of the Committee, the appointing authorities and the terms of office of its members shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of three years.

One member of the Housing Authority as designated by the Authority for a term of three years.

One member of the Parks and Recreation Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.

One member of the Planning Board as designated by the Board for an initial term of two years and thereafter for a term of three years.

Four citizen members to be appointed by the Select Board; two members to be appointed for a term of one year and thereafter for a term of three years; and two members to be appointed for a term of two years and thereafter for a term of three years.

The members of the Community Preservation Committee may be re-appointed for as many terms as authorized by the Select Board.

Section 2 – Duties

a) The Community Preservation Committee shall study the needs, possibilities and resources of the Town of Seekonk regarding community preservation. The Committee shall consult with existing municipal boards, including but not limited to, the Conservation Commission, the Historical Commission, the Planning Board, the Parks and Recreation Committee and the Housing Authority. As part of its study, the Committee shall hold one or more public information hearings annually on the needs, possibilities and resources of the Town of Seekonk regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.

b) The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition preservation of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing and for the rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in Sections 3 through 7, inclusive, of Chapter 44B of the Massachusetts General Laws (the "Community Preservation Act"), and within the framework of this Article. With respect to community housing, the Committee shall, whenever possible, recommend use of funds for low or moderate income senior (as defined by Section 2 of M.G.L. Chapter 44B) housing or modifications that allow low or moderate income seniors (as defined by Section 2 of M.G.L. Chapter 44B) to remain in their homes and, wherever possible, the Committee shall recommend use of funds for the reuse of existing buildings or construction of new buildings on previously developed sites. Recommendations to Town Meeting shall include their anticipated costs.

c) The Community Preservation Committee may include, in its recommendation to the Town Meeting, a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending for general purposes that are consistent with community preservation. The Community Preservation Committee may

recommend the issuance of general obligation bonds or notes in anticipation of revenues to be raised pursuant to section 3 of the Act, the proceeds of which shall be deposited in the Community Preservation Fund. Bonds or notes so issued may be at such rates of interest as shall be necessary and shall be repaid as soon after such revenues are collected as is expedient. The Town shall make every effort to limit the administrative costs of issuing such bonds by cooperating with other cities and towns using methods including, but not limited to, common issuance of bonds or common retention of bond counsel. Except as otherwise provided in this chapter, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of Chapter 44. The maturities of each issue of bonds or notes issued under this chapter may be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.

d) As provided in the Massachusetts Community Preservation Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.

e) The Community Preservation Committee will submit an annual administrative and operating budget for the Community Preservation Committee, which cannot exceed five percent (5%) of the annual revenues in the Community Preservation Fund, to Town Meeting for approval.

f) In every fiscal year, the Community Preservation Committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of (a) open space (not including land for recreation use), (b) historic resources; and (c) community housing.

Section 3 – Requirements for a quorum

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by a majority vote.

Section 4 – Amendments

This By-Law may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of M.G.L. Chapter 44B.

Section 5 – Severability

In case any section, paragraph or part of this Chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 6 – Effective Date

This By-Law shall take effect upon approval by the Attorney General and after all requirements of M.G.L. c. 40, section 32 have been met.

Article 3 May 27, 2009 Approved by Attorney General Sept. 14, 2009

CATEGORY 48-CRIMINAL HISTORY CHECK AUTHORIZATION

Purpose and Authorization

In order to protect the health, safety and welfare of the inhabitants of the Town of Seekonk, and as authorized by G.L.c.6,s172B ½ , this bylaw shall require (a) applicants for certain Town licenses permitting the conduct of specific occupational activities within the Town as enumerated in Section 2, below, to submit to fingerprinting by the Seekonk Police Department, (b) the Police Department to conduct criminal record background checks based on such fingerprints, and (c) the Town to consider the results of such background checks in determining whether or not to grant a license. The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (the "DCJIS") and the Federal Bureau of Investigation (the "FBI") as may be applicable to conduct on behalf of the Town and its Police Department fingerprint-based state and nation criminal record background checks, including of FBI records, consistent with this bylaw. The Town authorizes the police Department to receive and utilize records of the State police, the DCJIS and the FBI in connection with such background checks, consistent with this bylaw.

Applicant's Submission to Fingerprinting by the Police Department

Any applicant for a license to engage in any of the following occupational activities within the Town shall submit a full set of fingerprints taken by the Seekonk Police Department within ten (10) days of the date of the application for a license for the purpose of conducting a state and national criminal record background check to determine the suitability of the applicant for the license:

Hawker and Peddler
Liquor Licensee
Manager or Alternate Manager of a Liquor Licensee
Solicitors and Canvassers
Dealers in Junk, Second-Hand Articles and Antiques
Second-Hand Motor Vehicle Dealer
Hackney Carriage (Taxi) Operator
Ice Cream Truck Vendor

At the time of fingerprinting, the police Department shall notify each individual who is fingerprinted that his or her fingerprints will be used to check such individual's FBI and state criminal history records.

Police Department Processing of Fingerprint-Based Criminal Record Background Checks and Communication of Results

The Police Department shall transmit fingerprints it has obtained pursuant to Section 2 of this bylaw to the Identification Section of the Massachusetts State Police, the DCJIS and/or the FBI as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in the said section.
The Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based criminal record background check and supply the applicant the opportunity to complete, or challenge the accuracy of, the information contained in it, including in the FBI identification record. The Police Department shall also supply applicants with information regarding the procedures for obtaining a change, correction or updating of a criminal record, including a copy of 28 CFR Part 16.34 pertaining to FBI identification records. In no event shall the police Department render a suitability evaluation pursuant to the paragraph below until it has

taken the steps detailed in this paragraph and otherwise complied with any other procedures required by any Town policy applicable to licensing-related criminal record background checks.

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the applicable licensing authority within the Town. The Police Department shall in addition render to the licensing authority its evaluation of the applicant's suitability for the proposed occupational activity based upon the results of the criminal records background check and any other relevant information know to it. In rendering it evaluation, the police Department shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability. The police Department shall indicate whether the applicant has been convicted of, or is under pending indictment for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved force or the threat of force, controlled substance or a sex-related offense.

Reliance on Results of Fingerprint-Based Criminal Record Background Checks

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in Section 2, above. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the propose occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination. The licensing authority shall not deny a license based on information in a criminal record unless the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.

Compliance with Law, Regulation and Town Policy

Implementation of the bylaw and the conducting of fingerprint-based criminal record background checks by the Town shall be in accordance with all applicable laws, regulations and Town policies. The Board of Selectmen is authorized to promulgate regulations for the implementation of this bylaw. The Town shall not disseminate criminal record information received from the FBI to unauthorized persons or entities.

Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be One Hundred Dollars ($100.00). A portion of the fee, as specified in G.L c.6, s 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for Costs associated with the administration of the fingerprinting system.

Article 22 June 11, 2012 town mtg. Approved Att. General July 18, 2012

CATEGORY 49

AUTOMATED ELECTRONIC RETAIL CHECK OUT SYSTEMS; MISREPRESENTATION; PENALTY

If an_examination and test by the Sealer of Weights and Measures of any automated retail checkout system within a retail establishment reveals that there is evidence of price misrepresentation or misleading or deception of the purchase of items, the owner, manager of the designee of said owner or manager of the retail establishment using such automatic checkout system shall be punished for the first offense by a fine of $100.00, for the second offense by a fine of $250., and for each subsequent offense by a fine of $300.00. However, nothing herein shall prevent the Town seeking the maximum criminal fines allowed by G.L.c.98 , 56D.
As an alternative to criminal prosecution or civil action, the Town of Seekonk may elect to utilize the non-criminal disposition procedure set forth in M.G.L. c.40s.21D and CATEGORY 39 Enforcement of the General Bylaws of the Town of Seekonk, in which case the Sealer of Weights and Measures shall be the enforcing party. The penalty for each violation shall be $100, up to a maximum of $250. Per inspection, with each item which scans erroneously constituting a separate civil violation.

Category added March 27, 2013 Art. 8 Approved Attorney General May 20, 2013