

TOWN OF NATICK

BY-LAWS

Revised Edition

With Changes Through August 25, 2006

TABLE OF CONTENTS

Number	Category / Title	Page
Town Meeting		
1	Town Meetings	1-1
2	Nomination and Election Procedures for Town Meeting Members	2-1
3	Procedure at Town Meetings	3-1
Elected Officials		
10	Board of Selectmen	10-1
11	Town Clerk	11-1
12	Collector of Taxes	12-1
Appointed Officials		
20	Town Administrator	20-1
21	Planning Director	21-1
22	Town Counsel	22-1
23	The Finance Committee	23-1
24	Town Employees and Personnel Board	24-1
25	Council on Aging	25-1
26	Historic District Commission	26-1
27	Information Systems Advisory Board	27-1
28	Registrars of Voters	28-1
29	Board of Appeals	29-1
30	Conservation Commission	30-1
32	Open Space Advisory Committee	32-1
Administrative Regulations		
40	Town Reports and Records	40-1
41	Contracts, Town Property, and Regulations of Town Boards and Officials	41-1
42	Licenses	42-1
43	Licenses and Permits of Delinquent Taxpayers	43-1
44	Conflict Between Town Agencies, Assignment of Counsel	44-1
Police Regulations		
50	Police Regulations	50-1
51	Alarm Systems	51-1
52	Solicitors and Canvassers	52-1
53	Use of Recreational Conveyances	53-1
Fire Regulations		
60	Fire Regulations	60-1

Note: Unassigned numbers are to be used for future articles.

Number	Category / Title	Page
Property Regulations		
<u>70</u>	Public Works Regulations	70-1
<u>71</u>	Sewer Assessment	71-1
<u>72</u>	Building Regulations	72-1
<u>73</u>	Junk Collectors	73-1
<u>74</u>	Junk Dealers	74-1
<u>75</u>	Remedy of Public Nuisance	75-1
<u>76</u>	Regulations for the Demolition, Alteration or Relocation of Historically Significant Buildings or Structures	76-1
<u>77</u>	Water and Sewer Rate Discount Program	77-1
<u>78</u>	Removal of Overhead Wires	78-1
<u>78A</u>	Prompt Removal of Utility Poles	78A-1
<u>79</u>	Wetlands Protection	79-1
<u>79A</u>	Stormwater Management and Erosion Control	79A-1
Health Regulations		
<u>80</u>	Water Supply Protection	80-1
<u>81</u>	Chemical Storage Tanks and Systems	81-1
<u>82</u>	Water Conservation	82-1
<u>83</u>	No Smoking in Public Places	83-1
Miscellaneous Provisions		
<u>90</u>	Repeal of By-Laws	90-1
<u>91</u>	Collective Bargaining	91-1
<u>92</u>	Enforcement of By-Laws	92-1

ARTICLE 1

TOWN MEETINGS

Section 1 Annual Town Meetings

In accordance with Section 3-1 (c) and Section 2-12 (a) of the Charter, the following dates are established. The town election, officially known as the Annual Town Meeting for the election of Town officers and for the determination of all questions as are by law to be decided by ballot of the voters, shall be held on the last Tuesday in March of each year. The spring session of the representative town meeting, known as the Spring Annual Town Meeting, shall be called for 7:30 P.M. on the second Tuesday following the town election. The fall session of the representative town meeting, known as the Fall Annual Town Meeting, shall be called for 7:30 P.M. on the third Tuesday in October of each year.

Section 2 Special Town Meetings

The Board of Selectmen shall call a Special Town Meeting, in accordance with Section 2-11 (c) of the Charter, by giving public notice in a local newspaper at least twenty-eight (28) days prior to the date of such Special Town Meeting, except where compliance with this provision would defeat the purpose of said Special Town Meeting. Special Town Meetings shall be held on a Tuesday at 7:30 P.M.

Section 3 Adjourned Town Meetings

Adjourned sessions of every Town Meeting, when required, shall be held on the following Thursday at 7:30 P.M., and on consecutive Tuesdays and Thursdays thereafter at 7:30 P.M. Such sequence shall not include any Tuesday or Thursday that occurs on or during (a) a holiday for town employees designated by the Town of Natick or (b) a holiday or vacation for students (other than summer vacation) designated by the Natick Public Schools. Notwithstanding the previous provisions of this section, Town Meeting may, by a two-thirds (2/3) vote of the Town Meeting Members present and voting, adjourn to any date and time.

Section 4 Publication of Warrant

The warrant for the town election or preliminary election shall be posted at least fourteen days before the date of the election. The warrant for any other Town Meeting shall be posted in accordance with Section 2-11(d) of the Charter. Service of the Warrant for every Town Meeting, unless a different time or method is prescribed by law, shall be made by posting an attested copy thereof in each of the Post Offices and in not less than one public place in each precinct in said Town, and by publishing a like attested copy in a newspaper of general circulation in said Town.

Section 5 Initiation of Articles

In accordance with Article 2, Section 2-11 of the Charter the Board of Selectmen shall receive all petitions which are addressed to it and which request the submission of particular subject matter to the representative town meeting and which are filed by the Town Administrator.

ARTICLE 2

NOMINATION AND ELECTION PROCEDURES FOR TOWN MEETING MEMBERS

Section 1 Nomination Procedure for Town Meeting Members

In addition to the nomination procedure in Section 2-4 (b) of the Charter, this alternative nomination procedure, authorized by Section 10 of Chapter 53 of the General Laws, may be used in the case of an incumbent Town Meeting member seeking reelection.

Before the annual town election, the Town Clerk shall notify all Town Meeting members whose terms of office will expire and shall ask them to notify him if they desire to be candidates for reelection. If they do notify him in the manner directed, they shall be nominated for the office.

Section 2 Election of Town Meeting Members

All candidates for Town Meeting member shall be listed together on the ballot. In descending order of votes received, Town Meeting members shall be elected to the number of three-year terms to be filled, then to the number of two-year terms, and then to the number of one-year terms. Procedures in Section 2-5 of the Charter shall be used to resolve ties.

ARTICLE 3

PROCEDURE AT TOWN MEETINGS

Section 1 Rules of Procedure

The proceedings of Town Meetings shall be governed by such rules of practice as are clearly set out in the most recent edition of "Town Meeting Time" by Johnson, Trustman, and Wadsworth, except as modified by law or by the following sections. In the event that "Town Meeting Time" does not clearly indicate a single course of action, the ruling of the Moderator shall prevail.

Section 2 Motions in Writing

All motions offered for the consideration of the Town Meeting shall be in writing if required by the Moderator; and all motions involving the expenditure of money shall be in writing when required by any Town Meeting Member.

Section 3 Speaking

No person shall speak upon a question more than once when any other person desires to be heard, nor more than twice on the same question without permission of the Town Meeting; and no person shall speak more than ten (10) minutes at one time without permission of the Town Meeting.

With reference to motions to lay on the table, take from the table, or postpone to a time certain, no person shall speak more than once or for more than two (2) minutes.

Section 4 Voting

Voting by Town Meeting Members shall be by a show of hands unless otherwise voted as hereinafter provided. On matters requiring a two-thirds vote by statute, as authorized under Section 15 of Chapter 39 of the General Laws, a count need not be taken. If the result of a vote by show of hands is in doubt, or if the result is questioned by seven (7) Town Meeting Members, the Moderator shall appoint tellers who shall count the vote. Upon motion affirmatively voted by two-thirds (2/3) of the Town Meeting Members, a vote shall be taken by secret ballot.

Section 5 Reconsideration

The subject matter of any article once voted upon in any manner may be reconsidered only once, but at any time during the same Town Meeting, provided compelling circumstances are stated which indicate that reconsideration is warranted.

Section 6 Precedence of Motions

When a question is before the Town Meeting, motions shall be received and have precedence as listed in the table entitled "Precedence of Motions," which is incorporated into this section by reference.

Section 7 Quantum of Vote

All votes shall be by a majority except where otherwise provided in these by-laws or where otherwise required by law; and all references to the size of the vote required shall mean of those present and voting.

Section 8 Financial Interest

Any person having a monetary or equitable interest in any matter under discussion at a Town Meeting, and any person employed by another having such an interest, shall disclose the fact of his interest or employment before speaking thereon.

Section 9 Specifying Site of Work

Any vote of the Town Meeting appropriating money for the construction, reconstruction, installation or improvement of a public way, or a sewerage or water facility, shall specify where the work is to be done.

Section 10 Appointing Committees

All committees shall be appointed by the Moderator at the meeting, unless otherwise ordered by a vote of two-thirds (2/3) of the Town Meeting Members present and voting.

All committees shall be appointed within thirty (30) days from the dissolution of a Town Meeting.

Section 11 Motion for the Previous Question

The motion for the previous question shall not be entertained by the Moderator if three or more persons are seeking recognition who have not previously spoken to the question.

PRECEDENCE OF MOTIONS

Motion	Second Required	Debate	Amend	Vote Required
Adjourn or dissolve	Yes	No	No	Majority
Adjourn to a fixed time or recess	Yes	Yes	Yes	Majority
Lay on the table	Yes	Yes ⁺	No	2/3 Majority
For the previous question ⁺⁺⁺	Yes	No	No	2/3 Majority
For secret ballot	Yes	No	No	2/3 Majority
Roll call vote	Yes	Yes	No	1/3 Majority
Postpone to a time certain	Yes	Yes ⁺	Yes	Majority
Commit, recommit, or refer	Yes	Yes	Yes	Majority
Amend	Yes	Yes	Yes	Majority
Postpone indefinitely	Yes	Yes	No	Majority
Main Motion	Yes	Yes	Yes	Majority ⁺⁺
Reconsideration	Yes	Yes	No	2/3 Majority
Take from the table	Yes	Yes ⁺	No	Majority
Take up an article out of order	Yes	Yes	Yes	2/3 Majority

+ See Section 3.

++ Some main motions are required by the general laws to be passed by greater than a majority vote; for example, bond issues, zoning changes, the taking of land require a 2/3 vote. For other examples, refer to the appendix in *Town Meeting Time* entitled "Quantum of Vote."

+++ See Section 11

ARTICLE 10

BOARD OF SELECTMEN

Section 1 Scope of Powers and Duties

In accordance with Section 3-2 of the Charter, the Selectmen shall have the general direction and management of the property and affairs of the Town in all matters not otherwise provided for by law or by these by-laws.

Section 2 Appointments

The Board of Selectmen shall appoint the officials and multiple member bodies listed in the table entitled "Appointments Made by the Board of Selectmen," which is incorporated into this section by reference. The Board of Selectmen shall also make such other appointments as may be provided by Town Meeting vote or by their own vote.

Section 3 Litigation Authority

The Board of Selectmen shall have the authority to prosecute, defend and compromise, through the Town Counsel as provided under Sections 6 and 7 of Article 22 of the By-Laws, all litigations to which the Town is a party. The Board of Selectmen may compromise any claim against the Town whenever they have so recommended in writing and the Finance Committee authorizes a transfer therefor from its reserve fund.

Section 4 Parking Meters

The Board of Selectmen is empowered to cause parking meters to be placed on any public way of the Town, at such places, other than residential districts, and in such manner and at such rates as it may determine.

The revenue collected from parking meters shall be turned over to the Town Treasurer. The Board of Selectmen is empowered to use said revenue for the installation, replacement, or maintenance of said parking meters when necessary or for the acquisition, maintenance and improvement of off-street parking areas and facilities.

APPOINTMENTS MADE BY THE BOARD OF SELECTMEN

Name	Citation⁺	Additional References⁺⁺
Town Officials / Committees		
Bacon Free Library Maintenance Committee		
Board of Appeals	(C) s. 3-2(c)	(B) Art. 29
Cable Advisory Board		
Chief of Police		C.S. laws and rules
Comptroller	(C) s. 3-2(c)	(C) s. 6-3(a)
Conservation Commission	(C) s. 3-2(c)	(B) Art. 30
Contributory Retirement Board		
Council on Aging	(B) Art. 25	
Director of Veterans Services	(C) s. 3-2(c)	
Elderly and Disabled Taxation Fund Committee		
Emergency Management Director		
Asst. Emergency Management Director		
Emergency Operations Planning Committee		
Fire Chief		C.S. laws and rules
Historic District Commission	(B) Art. 26	
Historical Commission		
Information Systems Advisory Board	(B) Art. 27	
Labor Relations Consultant		
Lock-Up Keeper		
Natick Cultural Council		
Parking Clerk		
Recreation and Parks Commission (four appointed members)	(C) s. 3-12(a)	
Recycling Study and Advisory Committee		
Registrars of Voters	(C) s. 3-2(c)	(B) Art. 28
Town Administrator	(C) s. 3-2(c)	(C) s. 4-1; (B) Art. 20
Town Counsel	(C) s. 3-2(c)	(B) Art. 22, s. 3
Town Forest Committee		
Veterans Burial Officer		

APPOINTMENTS MADE BY THE BOARD OF SELECTMEN (Cont.)

Name	Citation ⁺	Additional References ⁺⁺
Representatives to Regional Boards		
Joint Regional Transportation Committee		
Keefe Tech Vocational School	(A) s. 1	
MBTA Advisory Board		
Metropolitan Area Planning Council		
MetroWest Growth Management Committee (one member of the Board of Selectmen)		
Middlesex County Advisory Board		
MWRA Advisory Board		
South Middlesex Opportunity Council		

+ The citation indicates the section in the Charter or By-Laws or other document where the Board of Selectmen is designated as the appointing authority. If no citation is given, this by-law should be cited.

++ Further provisions regarding terms of appointment or composition of multiple member bodies are provided as additional references.

Key: (A) - Agreement Between the Towns of Ashland, Framingham, Holliston, Hopkinton, and Natick, Massachusetts, dated December 5, 1966, as amended; (B) - By-Laws; (C) - Charter; C.S. - Civil Service; Art. - Article; c. - chapter; s. - section.

ARTICLE 11

TOWN CLERK

Section 1 Records of Deeds, Permits, Licenses, and Grants

The Town Clerk shall keep a true copy, in books to be kept for such purposes alone, of all deeds, permits, licenses, and grants issued and executed by the Selectmen and of such other instruments executed by the Selectmen in accordance with the provisions of these by-laws. He shall not allow original papers or documents of the Town to be taken from his office, except as they remain in his custody, or by authority of law.

Section 2 Recording of Deeds

The Town Clerk shall cause every conveyance to the Town of any interest in land to be properly recorded in the appropriate Registry of Deeds or Land Registration Office. After recording, the deeds shall be delivered to the Town Treasurer in whose custody they shall remain.

Section 3 Record of Town Meeting Proceedings

The Town Clerk shall keep and cause to be permanently bound one or more files of the Town Reports. He shall publish in the annual printed report of the Town a copy of his record of all Town Meetings that have been held during the preceding year. The record of the Town Meeting proceedings and the Attorney General's approval, if any, for each Warrant Article shall be set forth immediately following the article itself.

Section 4 Notification of Election or Appointment

The Town Clerk shall notify, or cause to be notified, all persons chosen or elected by the Town or appointed on Committees, of their election, choice, or appointment. He shall furnish all boards and committees with a copy of all votes affecting them.

Section 5 Forms for Petitions and Reports

The Town Clerk shall furnish blanks, with appropriate headings, upon which petitions, reports and other papers in the ordinary course of Town proceedings, may be prepared.

Section 6 Notification of Town Meeting Action

The Town Clerk shall furnish the various Town officers and committees a copy of such action of the Town as affects them respectively immediately after the Town Meeting; and he shall forward to the Attorney General's office immediately after dissolution of the Town Meeting copies of new by-laws and zoning regulations.

Section 7 Record of Town Meeting Attendance

A record available for public inspection shall be kept by the Town Clerk of the attendance of Town Meeting Members at each Town Meeting or adjourned Town Meeting thereafter. The Town Clerk shall compile a yearly attendance record of all Town Meeting Members for publication in the Annual Town Report and for distribution as a news release to the media.

Section 8 Notice of Removal of Residence of Elected Town Officer

An elected Town officer who removes from the Town and no longer maintains a residence in the Town or who becomes a registered voter elsewhere shall resign in accordance with Section 109 of Chapter 41 of the General Laws. If the Town Clerk receives a notice in writing that an elected Town officer, but not including a Town Meeting Member, has removed from the Town or has registered elsewhere, the Town Clerk shall notify the elected Town officer in writing of the eligibility requirement for elective Town office as specified in Section 3-1 (b) of the Charter and of the resignation requirement as specified in said Section 109.

Section 9 Verification of Removal of Residence of a Town Meeting Member

Upon receipt of notice in writing from any voter of the Town to the effect that a Town Meeting Member has removed his residence from the Town, the Town Clerk shall immediately verify such information, and upon such verification, shall cause the vacancy to be filled in a manner provided for by law.

Section 10 Notice of Town Meeting Appointments

The Town Clerk shall post a notice on the Town bulletin board to announce all new appointments to fill vacancies in the Town Meeting membership as they occur.

Section 11 Notification of Hearings Before Board of Appeals

The Town Clerk shall provide, within three business days, to all Town Agencies or Officials who shall request or require same, a copy of any petition or application filed with the Town Clerk for hearing before the Board of Appeals.

Section 12 Political Calendar

The Town Clerk shall prepare a political calendar for the year showing all elections and Town Meeting dates, including all associated filing dates. The Town Clerk shall make the calendar available by December 1 of the preceding year and shall prepare a revised version whenever new dates are established or any information changes. Copies of the calendar shall be available at the office of the Town Clerk upon request.

ARTICLE 12

COLLECTOR OF TAXES

Section 1

The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the Town which are committed to him.

Section 2

The aggregate annual compensation of the Collector of Taxes shall be limited to the amount of the appropriation therefor.

Section 3

Every department of the Town shall deliver to the Town Comptroller at least once in every month a separate statement of each account due the Town arising through any transaction with such department. Upon receipt of such statements of account the Town Comptroller shall commit such accounts to the Town Collector for collection. This section shall not apply to taxes and special assessments, licenses and permits issued or granted by the various departments of the Town, nor to costs and fees charged by said departments, nor to interest on investments of sinking or Trust funds.

Section 4

Any account committed by the Town Comptroller which the Town Collector is unable to collect by ordinary efforts may be referred by the Town Collector to the Town Comptroller or Town Counsel for instructions as to procedure. So far as permitted by law, any account or portion thereof may be abated by the department in which such account originated. The Town Comptroller shall be notified in writing of the abatement of any such committed account or portion thereof.

Section 5

The Town Collector shall, once in each week or oftener, pay over to the Treasurer all money received by him during the preceding week or lesser period on every such account, including any sums received as interest on moneys received by him on such accounts and deposited in any bank. He shall give bond to the Town for the faithful performance of his duties in a form approved by the Commissioner of Corporations and Taxation and in such sum, not less than the amount that may be established by said Commissioner, as shall be fixed by the Selectmen and that the effective date thereof, after approval by the Attorney General, be determined by the Board of Selectmen.

Section 6

Except as otherwise provided by law or by by-law all charges and bills issued by the Town of Natick shall be due and payable within thirty (30) days from the date of issue. Interest on delinquent charges and bills shall accrue from the date of issue of such charge or bill at a rate of interest which equals the rate of interest set forth in Chapter 59, Section 57 of the Massachusetts General Laws, as amended.

Section 7

The Town Collector shall, within 180 days of the end of the fiscal year, publish in the newspaper of general circulation in the Town of Natick, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local property taxes, assessments, or betterments in the aggregate of \$1,000 or more for not less than a six month period and that such party has not entered into a payment plan with the Tax Collector's office.

ARTICLE 20

TOWN ADMINISTRATOR

Section 1 Appointments

The Town Administrator shall appoint the officials and multiple member bodies listed in the table entitled "Appointments Made by the Town Administrator," which is incorporated into this section by reference.

Section 2 Dates of Submission of Fiscal Documents

As required by Section 5-3 of the Charter, the Town Administrator shall submit the proposed budget for the next fiscal year on or before the first business day in January.

As required by Section 5-7 of the Charter, the Town Administrator shall submit updates of the capital plan on or before the first business day in March and September.

Section 3 Qualifications for New Town Administrator

A candidate for Town Administrator shall have a masters degree from an accredited college or university plus five years of experience or a bachelor's degree plus ten years of experience. All relevant experience shall demonstrate the skills needed to perform the duties of Town Administrator, as those duties are described in Section 4-2 of the Charter. Preferably, a candidate shall have served as chief administrative officer of a city or town for five years.

Section 4 Procedure for Appointment of Town Administrator

Within one year of the time when it is known that the position of Town Administrator shall become vacant, the Board of Selectmen may initiate the selection process. Whenever the position of Town Administrator becomes vacant or within six months of the time when it is known that the position of Town Administrator shall become vacant, the Board of Selectmen shall initiate the selection process if the Board of Selectmen has not already done so. The Board of Selectmen shall initiate the selection process by giving notice of its intention to establish a screening committee to review applicants for the position of Town Administrator and shall send a copy of the notice to each town agency or officer responsible for designating persons to serve on the committee. The Board of Selectmen shall appoint the screening committee not earlier than twenty-one days nor later than twenty-eight days after such notice.

The screening committee shall consist of nine members. The Planning Board, the School Committee, the Finance Committee, the Personnel Board, and the Town Moderator may each designate one person to serve on the screening committee. Persons chosen by the said agencies may, but need not, be members of the agency by which they are chosen, and, in the case of the Town Moderator, the person may, but need not, be a member of Town Meeting. The Board of Selectmen shall appoint to the screening committee all such persons designated, provided that their names have been received in writing by the day before the screening committee is to be

appointed. The Board of Selectmen shall appoint any other members to the screening committee so that the total membership is nine.

Not more than thirty days following the appointment of the screening committee, the persons chosen shall meet to organize and to plan a process for the solicitation by advertisement and by other means to receive applications for the position of Town Administrator. The screening committee shall review all applications received and provide for interviews to be conducted with such number of candidates for the position as it may decide.

Not more than one hundred and eighty days following the date the screening committee meets to organize, the screening committee shall submit to the Board of Selectmen the names of not less than two nor more than five candidates whom it believes to be best suited to perform the duties of Town Administrator. If the screening committee determines that there are not at least two candidates qualified to perform the duties of Town Administrator, as those duties are described in Section 4-2 of the Charter, the screening committee shall report to the Board of Selectmen that it is unable to complete its assigned task. In that event, the Board of Selectmen shall direct the screening committee to reopen the search process and the foregoing procedure shall apply.

Within thirty days following the date the list of nominees is submitted to it, the Board of Selectmen shall choose one of the said nominees to be appointed to the office of Town Administrator. If the Board of Selectmen decides not to appoint one of the nominees, it shall direct the screening committee to reopen the search process, and the foregoing procedure shall apply.

Upon the appointment of the Town Administrator, the screening committee established hereunder shall be considered discharged.

Section 5 Town Administration Organization Chart

The Town Administrator shall include a top-level organization chart in the Annual Town Report.

APPOINTMENTS MADE BY THE TOWN ADMINISTRATOR

Name	Citation ⁺	Additional References ⁺⁺
Building Inspector		C.S. laws and rules
Central Equipment Purchasing Committee		
Director of Public Works		
Animal Control Officer		
Insurance Advisory Committee		
Parking Meter Maintenance		
Personnel Board	(B) Art. 24, s. 1	
Planning Director	(B) Art. 21, s. 3	
Safety Committee		
Sealer of Weights and Measures		C.S. laws and rules
Superintendent of Insect and Pest Control		
Director of Recreation and Human Services	(C) s. 3-12(b)	
Systems Manager		
Town Report Committee		
Tree Warden		

+ The citation indicates the section in the Charter or By-Laws where the Town Administrator is designated as the appointing authority. If no citation is given, this by-law should be cited.

++ Further provisions regarding terms of appointment or composition of multiple member bodies are provided as additional references.

Key: (B) - By-Laws; (C) - Charter; C.S. - Civil Service; Art. - Article; c. - chapter; s. - section.

ARTICLE 21

PLANNING DIRECTOR

Section 1 Responsibilities

There shall be a Planning Director, responsible to the Town Administrator, who shall be competent by virtue of professional training in civil engineering or municipal planning, or equivalent experience or education.

Section 2 Duties

The duties of the Planning Director shall include, but not be limited to, those described in this section. Upon the request of the Planning Board, the Planning Director shall be assigned professional, administrative and technical work relating to the application of the zoning by-law, subdivision control law, planning studies and design, review of proposals and like work of a professional nature.

Section 3 Appointment, Term of Office

The Town Administrator shall appoint the Planning Director after hearing the recommendation of the majority of the members of the Planning Board. The term of office shall be at least one year but not more than three years, as determined by the Town Administrator, and the compensation for the position shall be established under Article 24 of the By-Laws.

ARTICLE 22

TOWN COUNSEL

Section 1 Office and Qualifications

The Town shall have a Town Counsel who shall be an individual attorney or group, association, firm, partnership or professional corporation of attorneys admitted to practice in the Commonwealth. Town Counsel need not be a resident of the Town or maintain a law office in the Town.

Section 2 Relationship

Town Counsel shall be an independent contractor and shall not be an employee of the Town.

Section 3 Appointment and Term

Town Counsel shall be appointed by a majority of the Board of Selectmen for a term not to exceed one year expiring in each case, on June 30th. Town Counsel shall, in any case, serve at the pleasure of the Board of Selectmen and all contracts shall so state.

Section 4 Screening Committee

In the event of a vacancy in the Office of Town Counsel, the Selectmen shall, from time to time, establish a Town Counsel Screening Committee consisting of five members, who are residents of the Town, with at least three being members of the Massachusetts Bar and preferably senior attorneys who hire or supervise other attorneys' work. Said Committee will be responsible for nominating candidates who are members in good standing of the Massachusetts Bar for the position of Town Counsel. The Selectmen shall, on or before the first day of July, or whenever a vacancy shall exist, appoint a candidate from among those recommended as qualified by said Committee to serve as Town Counsel. The Selectmen shall have the right to request additional candidates from said Committee.

Section 5 Duties and Request for Services

a. Town Counsel shall serve as the legal advisor to the Town. In addition to those duties and responsibilities as set forth in the General Laws of the Commonwealth and these By-Laws, all as may be amended from time to time, the Town Counsel shall render all legal services as may be reasonably required of him by the vote of the Town or majority of the Board of Selectmen.

b. All other requests for the services of Town Counsel shall, whenever time permits, be submitted to Town Counsel through the Office of the Town Administrator.

c. That the following shall have the right to request of Town Counsel advice concerning their duties: members of the Board of Selectmen, Town Clerk, Superintendent of Schools,

Building Inspector, Director of Public Works, Public Works Commission and Recreation Commission, Director of Public Health, Town Moderator, Comptroller, Town Treasurer/Collector, Tree Warden, Superintendent of Recreation and Chairman of the following Boards or Committees acting with the authority of a majority of their members: Board of Assessors, Board of Appeals, Planning Board, School Committee, Finance Committee, Board of Health, Conservation Commission, Retirement Board, and Personnel Board.

d. That all other Boards or Committees and other Town Officials desiring to obtain legal advice must first obtain the prior consent of the Town Administrator or Board of Selectmen.

All requests for advice under Section b and c of this Article shall be made in good faith and be of sufficient legal implication to the Town.

Section 6 Authority to Settle

The Town Counsel shall not make final settlement of any claim to which the Town or any Town Agency is a party unless he has been duly authorized by vote of the Town Meeting, by the majority vote of the Selectmen, unless otherwise provided by law.

Section 7 Authority to Prosecute

The Town Counsel shall, if requested by the Selectmen, prosecute in the appropriate court, any cases of violation of the Statutes of the Commonwealth or By-Laws of the Town.

Section 8 Special and Interim Counsel

Unless expressly authorized by statute, a vote of Town Meeting, or vote of the Selectmen, no Board, Officer or Official of the Town shall engage, for remuneration to be paid by the Town, any attorney, other than Town Counsel, with regard to its or his official duties, or any Town business, or the business of any of the Departments thereof. The Selectmen may, whenever they deem necessary, employ special and/or interim counsel to assist or act in place of Town Counsel. Said special counsel need not be a resident of the Town.

ARTICLE 23

THE FINANCE COMMITTEE

Section 1 Composition, Term of Office

There shall be a Finance Committee, consisting of fifteen (15) citizens of the Town appointed by the Town Moderator for terms of three (3) years beginning May 1, so arranged that five (5) members are appointed each year. Persons holding an elective Town office, except Town Meeting member or constable, and those serving on appointed committees or boards that have responsibility for issuing permits, approving expenditure of funds, or exercising final authority over any matter are not eligible to be Finance Committee members. Finance Committee members may serve on committees that advise decision-making Town agencies or Town Meeting. No Finance Committee member shall serve for more than four (4) terms or a total of twelve (12) years. Any member of said Committee who files for any Town elective office except that of Town Meeting member or constable shall cease to be a member of said Committee. Members may resign by sending a notice of resignation to the Finance Committee chairman, the Town Moderator, and the Town Clerk; and they shall resign when they are no longer eligible to be Finance Committee members.

Section 2 Executive Secretary

The Finance Committee may employ, subject to an appropriation therefor, an Executive Secretary.

Section 3 reserved.

Section 4 Report, Recommendations

The Finance Committee shall consider all matters of business included within the articles of any warrant for a Town Meeting, and shall, after due consideration, report thereon, in print, its recommendation as to each article. The Finance Committee shall distribute its said report to each of the Town Meeting Members at least ten (10) days in advance of a Town Meeting, except where compliance with this provision would defeat the purpose of a Special Town Meeting. The said recommendations shall be those of a majority of the appointed Committee at the time of the vote, but this shall not be construed to prevent recommendations by a minority as such. The Committee Report shall also state the total amount of the appropriations recommended by them on the entire Warrant and the approximate tax rate based on such recommendations. Said report for the Annual Town Meeting shall also contain a statement of the doings of the Committee during the year, with any such recommendations or suggestions as it may deem advisable on any matters pertaining to the welfare of the Town.

Section 5 Audits

The Finance Committee shall have the authority at any time to investigate the books, accounts and management of any department of the Town, and to employ such expert and other

assistance as it may deem advisable for that purpose, and the books and accounts of all departments and officers of the Town shall be open to the inspection of the Committee and any person employed by it for the purpose. The Committee may appoint subcommittees and delegate to them such of its power as it deems expedient.

Sections 6,7,8 deleted by Article 38 ATM 10/3/91

ARTICLE 24

TOWN EMPLOYEES AND PERSONNEL BOARD

Section 1 Personnel Board

1.1 In accordance with Section 4-2 (4) of the Charter, there shall be an unpaid Personnel Board appointed by the Town Administrator consisting of five (5) members who shall serve a term of three (3) years beginning June 1, so arranged that the terms of as nearly an equal number of members as is possible shall expire each year.

1.2 Any member on the Personnel Board shall not at the same time be a Town employee nor hold any other appointive or elective position except that of Town Meeting member. However, a member of the Personnel Board is allowed to serve on (1) any other Town committee for which the Personnel Board is designated as responsible for nominating or appointing one or more members or (2) any other Town committee established as an advisory committee dealing with personnel-related matters.

1.3 If any member shall resign or vacate his/her office, whether by ceasing to be a resident of the Town or other reason of qualification, his/her successor shall be appointed forthwith to fill the unexpired term.

Section 2 Policy and Administration

2.1 The Personnel Board shall serve as the policy making authority of the Town in personnel matters and shall perform the following functions:

- a. Approve and recommend Classification and Pay Plan to Finance Committee and Town Meeting;
- b. Review and recommend employee benefit programs and conditions of employment;
- c. Advise and review personnel procedures and administrative practices as carried out under Article 4-2, Sections 4 and 14 of the Natick Town Charter.

2.2 The Town Administrator or his or her designee shall serve as Personnel Director of the Town, and in this role make recommendations to the Personnel Board on policy matters and administer the day to day personnel practices, procedures and systems of the Town, including, but not limited to:

- a. Employee recruitment/testing/selection appraisal/evaluation;
- b. Employee training and development;
- c. Employee benefits and service programs;
- d. Employee safety and health programs;

- e. Employee discipline and grievance procedures.

Section 3 Classification

3.1 The official classification for the positions covered by this By-law shall consist of those presented to the Town Meeting.

3.2 The Pay Plan shall fix the compensation for each employee covered under the Personnel By-law.

3.3 All employees entering the employ of the Town and subject to classification of the Pay Plan shall be compensated at the step recommended by the Personnel Director and approved by the Town Administrator. Notification to the Personnel Board on all such decisions shall be made in a timely fashion.

3.4 The Personnel Board may establish during the year the salary schedule which shall be paid in a new position title necessary to the conduct of the business of the Town.

3.5 The Personnel By-law shall govern Town Employees excepting those employees appointed by the School Committee and excepting elected officials and excepting those employees in recognized exclusive bargaining units. This By-law shall not abridge the powers of the Trustees of the Morse Institute Library conferred by the will of Mary Ann Morse.

3.6 The Personnel Director shall maintain current job descriptions for all positions in the Classification and Pay Plan which shall include statements describing the kind of work, the distinguishing features of the work and such illustrative examples of duties as may be deemed appropriate. Such documents shall be kept in the Office of the Town Administrator.

3.7 A continuing review of the work of all positions subject to the provisions of this By-law shall be made by the Personnel Director and recommendations forwarded to the Personnel Board for presentation to Town Meeting, including such amendments to the Classifications and Pay Plans and to the provisions for administering such plans as may be necessary from time to time.

3.8 All requisitions for persons to fill positions or perform duties subject to the Classification Plan shall be submitted to the Personnel Director, authorized by the Town Administrator, and notification sent to the Personnel Board.

3.9 All changes of classification, transfers, changes in salary or other changes in the status of employees subject to the Classification Plan shall be reported to the Personnel Director and approved by the Town Administrator where required, prior to effective date of any such change.

3.10 The Classification and Pay Plan shown in the table at the end of this article is incorporated into this paragraph by reference.

Section 4 Vacancies and Recruitment

4.1 In recruitment of positions in the Classification Plan, the Personnel Director shall assist the Department Head in searching out and finding well-qualified candidates and will review the methods for recruitment and selection to be used. In any case, unless otherwise specified by law, the Town Administrator shall make the final appointment in accordance with the provisions of Section 4-2, Item 3 of the Natick Home Rule Charter.

4.2 Every newly-hired permanent employee of the Town (excepting elected officials) shall be certified by a practicing physician or nurse practitioner designated by the Town Administrator, as to his/her fitness to perform the duties of the position with or without reasonable accommodation(s) to be certified by a practicing physician or nurse practitioner designated by the Town Administrator to which such person is assigned, prior to commencing work.

 If the Personnel Board or Town Administrator deems such action necessary to the protection of the town, it may require any temporary employee who is to be employed for thirty (30) days or more, or any temporary appointive employee who has been employed by the Town for thirty (30) days and has not been so certified by a physician or nurse practitioner, designated by the Town Administrator, as to his or her physical fitness to do the work required by the Town with or without reasonable accommodation(s) to be certified by a practicing physician or nurse practitioner designated by the Town Administrator. The certification required hereunder shall be in such form as the said Board shall determine. The cost of any physical examination required by this section shall be paid by the Town.

 These employees are exempt from the provisions of the Fair Labor Standards Act.

4.3 Except where otherwise directed, all new employees (or employees transferring to new positions) shall be considered on probation for a period up to a year, the length of time to be determined by the Town Administrator after recommendation of the Department Head.

4.4 The date on which an employee is appointed (even through the probationary period) shall govern in determining vacation, sick leave and other such benefits unless otherwise expressly provided in the appointment.

Section 5 Employee Status

5.1 Employees in positions designated "Administrative/Supervisory/Technical" shall be required to work the normal work week and any other additional hours needed to fulfill the responsibilities of the position. The annual salary established for such employees shall be their total compensation for hours worked.

5.2 All other full-time employees shall be paid time and one-half for hours worked in excess of forty hours in a work week.

 The same full-time employees shall be compensated at a rate of two times their normal hourly rate for all work on holidays listed in Section 7.

5.3 A full-time employee is one who is scheduled to work not less than 37 1/2 hours per week for 52 weeks minus legal holidays and authorized leave.

5.4 A regular part-time employee is defined as one who is scheduled to work for a period of 1,040 hours in the aggregate during the 12 months preceding the first day of July each year.

5.5 A part-time employee is one who is employed less than full-time or regular part-time as described in 5.3 and 5.4.

5.6 For the purposes of determining benefits for employees, the following shall apply:

5.6.1 Full Time

All full-time employees shall be entitled to full-time benefits contained herein.

5.6.2 Regular Part-Time

All "Regular Part-Time" employees shall receive regular benefits on a pro-rated basis.

5.6.3 Part Time

All Part-Time employees, as described in 5.5 shall receive no employee benefits related to leaves, holidays, vacations, etc.

Section 6 Grievance Procedures

6.1 It is the intent of the Town to provide each employee with suitable working conditions, environments, practices and procedures so as to provide the maximum effectiveness, efficiency and motivation to perform the duties assigned. In the event there is a problem or grievance regarding interpretation or application of this By-law, the following remedies are provided:

- a. A review of the situation with the employee's immediate supervisor shall take place.
- b. If results are unsatisfactory, a written statement shall be submitted within ten (10) days to the Department Head, who shall respond within fifteen (15) days as to what action is to be taken.

- c. If not settled by procedures set forth in Steps 1 or 2, it shall, within ten (10) days be submitted to the Town Administrator, who shall respond within fifteen (15) days. Before making a final determination, the Town Administrator shall receive a recommendation from the Personnel Director.

6.2 The Town of Natick retains all rights which it has or hereafter may acquire, including, but not limited to, the right to direct employees, to determine the method, means and personnel by which such operations are to be conducted, to promulgate rules and regulations, and to take whatever action necessary to carry out the mission in the applicable Department.

Section 7 Employee Benefits

7.1 Holidays

All "Full-Time" and "Regular Part-Time" employees shall be paid for the following holidays, if such employee has been in a regular pay status during the pay period preceding said holiday:

New Year's Day	Memorial Day
Martin Luther King Day	Independence Day
Washington's Birthday	Labor Day
Patriot's Day	Columbus Day
Veteran's Day	Thanksgiving Day
	Christmas Day

Whenever any of the holidays listed above fall on an employee's day off or during vacation, the employee shall receive a compensatory day off in lieu of said holiday. Said compensatory day off shall be taken prior to the end of the fiscal year at a time approved by the Department Head.

7.2 Vacations

7.2.1 Vacations shall be calculated based upon the fiscal year of the Town. Vacations shall be based upon the length of service as of the anniversary date of employment of each employee.

7.2.2 Vacations shall be granted based upon length of service as follows:

Service on July 1st:

Less than 3 months	0 days
3 months, but less than 12 months	1 day for each month of service in excess of 3 months service
12 months but less than 5 years	10 days
5 years but less than 10 years	15 days
10 years but less than 20 years	20 days
20 years or more	25 days

7.2.3 Vacation for a new employee shall not be taken until after the probation period.

7.2.4 Preference as to vacation dates is to be determined by seniority of service within Departments and in all cases must be approved by the Department Head (or Town Administrator in the case of Department Head's vacations) who shall authorize such vacations at such time in his/her opinion will cause the least interference with the performance of the regular work of the Town.

7.2.5 Unless otherwise authorized by the Town Administrator through the Personnel Director, vacation cannot be carried over from one fiscal year to the next.

7.2.6 In any calendar year, the trustees of the Library may grant vacations with pay not exceeding four (4) weeks to Library personnel.

7.2.7 Any full-time employee, not subject to the provisions of Section III and Section III E of Chapter 41 of the General Laws, whose employment is terminated during a year by dismissal through no fault or delinquency on his/her part or by resignation, retirement, or death, without having been granted the vacation to which he/she is entitled, or in the case of death, the estate, shall be paid at the regular rate of compensation payable to the employee at the termination of employment, an amount in lieu of such vacation; provided that no monetary or other allowance has already been made therefor. The Head of the Department in which the person was last employed shall enter on the departmental payroll all amounts due and payable under the above paragraph.

7.3 **Leave of Absence**

7.3.1 **Work-Related Injury Leave**

An employee injured while performing his/her official duties in behalf of the Town shall file for occupational sick leave benefits under the provisions of Workmen's Compensation laws of the Commonwealth of Massachusetts. Benefit administration and requirements for the employee shall be available in the Office of the Town Administrator. Sick leave may be used, when available, during any periods of time a work-related injury claim may be pending, provided that the employee agrees in writing to reimburse the Town for the proportion of time used during this "pending period".

7.3.2 **Non-Work-Related Sick Leave**

Regular full-time employees will accrue sick leave at the rate of one and one-quarter (1 1/4) days per month of employment (not to exceed fifteen (15) days in any year). Such sick leave may not be used during the "Probationary Period" (up to one (1) year). Employees may accumulate unused sick leave to a total of two hundred twenty-four (224) days. The granting of non-work -related sick leave and payment of compensation shall be subject to the following provisions:

- a. An employing Department Head, without prior approval, may grant sick leave with pay to any employee of his/her Department for a maximum of six

(6) days in any one time.

- b. For any period in excess of three (3) consecutive days or in excess of six (6) days in any calendar year, the employing Department Head or designated representative, after investigation shall submit a report to the Personnel Director, which shall be considered along with written medical evidence submitted by the employee and a determination shall be made by the Personnel Director of the employees rights set forth in paragraph 7.3.2 of this section.
- c. No sick leave benefits shall be granted to seasonal part-time or temporary employees. Regular part-time employees shall be entitled to the amount of sick leave in the same ratio as their part-time employment bears to full-time employment.

7.3 2A Sick Leave Language - Employees Hired After July 1, 1996

Regular full-time employees hired after July 1, 1996, will accrue sick leave at the rate of one (1) day per month for each month of service, not to exceed twelve (12) days in any year. Employees hired after July 1, 1996 shall accumulate sick leave days to a maximum of one hundred twenty (120) days.

7.3.3 Sick Leave Buy Back

Employees who have accumulated more than one hundred (100) days of sick leave shall be compensated, at the time of retirement, one (1) day's pay for each three (3) days of accumulated sick leave in excess of one hundred (100) days.

7.3.3A Sick Leave Buy Back - Employees Hired After July 1, 1996

Sick leave buy back for employees hired after July 1, 1996 shall be as follows: Upon retirement each employee shall be compensated one (1) day for every two (2) days of accumulated sick leave over fifty (50) days.

7.3.4 Sick Leave Bank

There shall be a Sick Leave Bank for employees to be administered by a Sick Leave Bank Committee. The Sick Leave Bank Committee shall determine the policies, procedures, eligibility and operations of the bank and shall have the final authority in this matter. Every full-time employee in the Personnel Board Pay Plan shall contribute two sick leave days to the bank effective July 1, 1985. Additional contribution of days may be required from time to time as determined by the Sick Leave Bank Committee.

7.4 Military Leave

A leave of absence for military service shall be granted to any full-time employee who is a member of reserved component of any of the Armed Forces of the United States and who is required to engage in field training. This leave of absence shall be in addition to his vacation.

7.4.1 If the amount of compensation the employee received from the Federal or State Government for temporary training duty (a period not to exceed fifteen (15) consecutive days) is less than the base compensation which he would have received for the same period, he shall be paid the difference by the Town upon proper evidence of military service and of compensation received.

7.4.2 When an employee, not on probation, enters military service of the United States, indefinite leave of absence without pay or benefits shall be granted for the duration of such military service. Each employee may be reinstated without loss of privileges or seniority accrued to the last day worked, provided he reports for duty with the Town within sixty (60) days following his honorable discharge for military service, and provided he has not voluntarily extended the length of his military service.

7.5 Bereavement Leave

In the event of death of a member of an employee's immediate family, the employee will be permitted to be absent for three (3) consecutive calendar days without loss of pay based at the employee's straight time hourly rate of pay. The immediate family is defined as parents, spouse, parents of spouse, sisters and brothers of spouse, grandparents, grandchildren, children, brothers and sisters of the employee, brothers-in-law and sisters-in-law of the employee.

7.6 Leave of Absence without Pay

Leave of absence without pay may be granted by the Personnel Director with authorization from the Town Administrator upon the advice of a Department Head under the following conditions:

- a. Employee shall submit in writing reason(s) for request in advance;
- b. The Department Head shall submit to Personnel Director a report of the impact of such leave on the operation of the Department;
- c. Leave shall be initially granted for a period not to exceed thirty (30) calendar days;
- d. Extension of leave beyond thirty (30) days may be granted by the Town Administrator after submission of additional documentation by the employee and Department Head.

7.7 Personal Days

Full-time employees shall earn three (3) personal days effective July 1st of each year. Said days must be used by June 30th of each year.

7.8 Maternity Leave

Any regular full-time female employee who has not completed twelve consecutive months of service, but who has completed more than three (3) consecutive months of service, shall be given a leave without pay for the purpose of giving birth, pursuant to Chapter 149, Section 105D of the Massachusetts General Laws and other applicable State and Federal Laws, provided that she requests such leave from her Department Head, in writing, with sufficient advance notice to allow for proper planning.

7.9 Jury Leave

Employee called for jury duty shall be paid by the Town an amount equal to the difference between the compensation paid for a normal working period and the amount paid by the Court, excluding the allowance for travel.

Section 8 Administrative Leave

Administrative leave may be granted by the Town Administrator without loss of pay for the following:

- a. Paternity Leave - up to two (2) days (to be deducted from Sick Leave earned under Section 7) and to be charged against the employee's entitlement to leave under the Family Medical Leave Act of 1993, if the employee is eligible for such FMLA leave;
- b. Critical illness of immediate family - up to five (5) days (to be deducted from Sick Leave earned under Section 7) and to be charged against the employee's entitlement to leave under the Family Medical Leave Act of 1993, if the employee is eligible for such FMLA leave;
- c. Religious Holidays - up to two (2) days (Rosh Hoshana, Yom Kippur, and Orthodox Holy Days).

Section 8A Family Medical Leave of Absence

Employees who have been employed by the Town for at least twelve (12) consecutive months, and who have worked at least 1,250 hours during the previous twelve (12) consecutive months are eligible for Medical Leave or Family Leave pursuant to the Family Medical Leave Act of 1993 (FMLA), of up to twelve (12) weeks in a given year. Spouses who are both employed by the Town may not take

more than twelve (12) aggregate workweeks of leave per twelve (12) month period unless the leave is due to the employee's own serious health condition or to care for a spouse's serious health condition.

a. Medical Leave

Medical Leave is defined as leave required to care for a spouse, son or daughter, or parent due to a serious health condition of that family member, or as leave required due to an employee's own serious health condition that prevents him or her from performing the essential functions of his or her job.

An eligible employee may take up to twelve (12) workweeks of unpaid medical leave continuously, intermittently, or on a reduced leave schedule upon presentation of a certificate of a serious health condition by a health care provider and approval by the Town Administrator's Office. Where possible, the employee is requested to notify the Town Administrator's Office in writing at least thirty (30) days in advance of a request for a medical leave under FMLA. In all cases, employees must notify the Town Administrator's Office that they are requesting a leave under the FMLA.

b. Family Leave

Family Leave is defined as leave required due to the birth or adoption of, and/or foster placement of, and in order to care for, a son or daughter if taken within twelve (12) months of the birth of a child or foster placement with an employee. In the case of an adoption and/or foster placement, the child must be at the age where the parent/foster parent is still responsible for the care of the child.

An eligible employee may take up to twelve (12) workweeks of unpaid family leave upon approval by the Town Administrator's Office. Where possible, the employee is requested to notify the Town Administrator's Office in writing at least thirty (30) days in advance of the requested leave. In all cases, employees must notify the Town Administrator's Office that they are requesting a leave under the FMLA.

An employee who is requesting a leave under FMLA should reference the Town's FMLA policy which provides detail as to the rights and obligations of such an employee.

Section 9 Employee Evaluation

9.1 An annual evaluation or appraisal will be made of every employee in the Classification and Pay Plan in order to measure progress and encourage self-improvement.

9.2 Each Department Head shall conduct such evaluation (and in the case of Department Heads, the Town Administrator) and it shall be signed by both the employee and the Department Head (Town Administrator where applicable) and submitted to the Personnel Director to be made a part of the Personnel File of the employee.

Section 10 Equal Opportunity and Affirmative Action

10.1 The Town shall not discriminate against any applicant for a position under the jurisdiction of the Town because of sex, age, religion, handicap, race, color, national or ethnic origin.

10.2 It is the policy of the Town to encourage, promote and exercise affirmative action in a planned, aggressive, coherent management program to provide for equal opportunity in recruitment, selection, appointment, promotion, training and discipline; and to adopt an Affirmative Action Plan which is specifically tailored to the Town's work force, available skills, specific goals and actions, timetables, responsibilities and resources.

Section 11 Part-Time Employees

11.1 Part-time employees shall be paid upon a wage schedule which applies to the position titles to which they are assigned in accordance with their total length of service in those position titles by reason of former employment by the Town.

11.2 The Personnel Board shall have the right to establish at any time and to withdraw at any time, temporary pay schedules in addition to rates as set forth in the Classification and Pay Plan.

11.3 Special Sick Leave for School Traffic Supervisors

School Traffic Supervisors shall accrue sick leave up to a total maximum of sixty (60) days at the rate of one day for each month actively engaged as a School Traffic Supervisor.

Section 12 Procedures

The Town retains the exclusive right to determine what departments, division and job classifications are to exist, whether to lay off employees, to determine the existence or non-existence of a vacancy, and whether and by whom any vacancy will be filled. The Town shall have the exclusive discretion to determine whether there is to be and how to implement a reduction in force or elimination of any job classification.

If the Town decides to implement a reduction in force plan which involves elimination of any of the positions covered by this Classification and Pay Plan, the individual member of this unit so affected will be provided the opportunity to avail himself of the retirement procedures, if, according to the Retirement Board, he/she so qualifies.

Section 13 Special Provisions of the By-Laws

13.1 Civil Service Law

Nothing in this By-Law shall be construed to conflict with Chapter 31 of the General Laws.

13.2 Repeal and Validity

All By-Laws or parts of By-Laws in conflict with this By-Law are hereby repealed.

If any section, sub-section, sentence, clause, phrase, or figure of this By-Law is for any reason held to be unconstitutional, or invalid, such decision and invalidity or voidance shall not affect the validity of the remaining portion of the By-Law. The Town Meeting hereby declares that it would have passed this By-Law and each section, sub-section, sentence, clause, phrase, or figure thereof even if it had known that any one or more sections, sub-sections, sentences, clauses, phrases, or figures, shall be declared unconstitutional or void.

This By-Law shall take effect and be in force from and after the earliest period allowed by law.

Town of Natick

Personnel Board Pay Plan

	Grade	1	2	3	4	5	Performance Range
Town Administrator	M-5	\$87,328	\$90,384	\$93,546	\$96,821	\$100,210	\$115,490
Director of Finance Treasurer/Collector	M-4	\$72,016	\$74,537	\$77,144	\$79,845	\$82,818	\$95,445
Deputy Town Administrator	M-4	\$72,016	\$74,537	\$77,144	\$79,845	\$82,818	\$95,445
Director Public Works	M-4	\$72,016	\$74,537	\$77,144	\$79,845	\$82,818	\$95,445
Fire Chief	M-4	\$72,016	\$74,537	\$77,144	\$79,845	\$82,818	\$95,445
Police Chief	M-4	\$72,016	\$74,537	\$77,144	\$79,845	\$82,818	\$95,445
Director Morse Library	M-3	\$62,083	\$64,256	\$66,505	\$68,832	\$71,394	\$82,205
Superintendent Parks and Recreation	M-3	\$62,083	\$64,256	\$66,505	\$68,832	\$71,394	\$82,205
Director Community Development	M-3	\$62,083	\$64,256	\$66,505	\$68,832	\$71,394	\$82,205
Director Public Health	M-3	\$62,083	\$64,256	\$66,505	\$68,832	\$71,394	\$82,205
Comptroller	M-3	\$62,083	\$64,256	\$66,505	\$68,832	\$71,394	\$82,205
Director Information Technology	M-3	\$62,083	\$64,256	\$66,505	\$68,832	\$71,394	\$82,205
Environmental Compliance Officer	M-3	\$62,083	\$64,256	\$66,505	\$68,832	\$71,394	\$82,205
Director of Assessing	M-2	\$53,519	\$55,392	\$57,331	\$59,338	\$61,548	\$70,932
Building Commissioner	M-2	\$53,519	\$55,392	\$57,331	\$59,338	\$61,548	\$70,932
Assistant Treasurer/Collector	M-2	\$53,519	\$55,392	\$57,331	\$59,338	\$61,548	\$70,932
Director Human Services	M-1	\$46,138	\$47,752	\$49,424	\$51,152	\$53,057	\$61,148
Director Council Aging	M-1	\$46,138	\$47,752	\$49,424	\$51,152	\$53,057	\$61,148
Director Bacon Free Library	M-1	\$46,138	\$47,752	\$49,424	\$51,152	\$53,057	\$61,148
Assistant Library Director Morse	M-1	\$46,138	\$47,752	\$49,424	\$51,152	\$53,057	\$61,148
Veterans Agent	M-1	\$46,138	\$47,752	\$49,424	\$51,152	\$53,057	\$61,148
Assistant Assessor	P-5	\$46,138	\$47,752	\$49,424	\$51,152	\$53,057	\$61,148
Assistant Comptroller	P-5	\$46,138	\$47,752	\$49,424	\$51,152	\$53,057	\$61,148
Info Systems Network Admin	P-5	\$46,138	\$47,752	\$49,424	\$51,152	\$53,057	\$61,148
Info Systems Data Base Admin	P-5	\$46,138	\$47,752	\$49,424	\$51,152	\$53,057	\$61,148
GIS Technician	P-5	\$46,138	\$47,752	\$49,424	\$51,152	\$53,057	\$61,148
Planner/Conservation Agent	P-5	\$46,138	\$47,752	\$49,424	\$51,152	\$53,057	\$61,148
Environmental Health Agent	P-5	\$46,138	\$47,752	\$49,424	\$51,152	\$53,057	\$61,148
Local Building Inspector	P-5	\$46,138	\$47,752	\$49,424	\$51,152	\$53,057	\$61,148
Sanitarian/Tobacco Control	P-4	\$39,956	\$41,353	\$42,801	\$44,299	\$45,865	\$51,773
Public Health Nurse	P-4	\$39,956	\$41,353	\$42,801	\$44,299	\$45,865	\$51,773
Comm Relations/Grant Coord	P-4	\$39,956	\$41,353	\$42,801	\$44,299	\$45,865	\$51,773
Info Systems – Facilitator	P-4	\$39,956	\$41,353	\$42,801	\$44,299	\$45,865	\$51,773
Executive Assistant	P-3	\$35,454	\$36,695	\$37,979	\$39,309	\$40,800	\$46,146
Info Systems Data Entry	P-3	\$35,454	\$36,695	\$37,979	\$39,309	\$40,800	\$46,146
Records Coordinator	P-2	\$31,177	\$32,268	\$33,397	\$34,565	\$35,848	\$40,518
Plumbing Inspector	P-2	\$31,177	\$32,268	\$33,397	\$34,565	\$35,848	\$40,518
Wiring Inspector	P-2	\$31,177	\$32,268	\$33,397	\$34,565	\$35,848	\$40,518

Sealer Weights/Measures	P-1	\$28,701	\$29,706	\$30,743	\$31,821	\$32,922	\$37,142
Animal Control Officer	P-1	\$28,701	\$29,706	\$30,743	\$31,821	\$32,922	\$37,142
Neighborhood Bus Coordinator	P-1	\$28,701	\$29,706	\$30,743	\$31,821	\$32,922	\$37,142
Farm Assistant	P-1	\$28,701	\$29,706	\$30,743	\$31,821	\$32,922	\$37,142
COA Program Director	P-1	\$28,701	\$29,706	\$30,743	\$31,821	\$32,922	\$37,142
Parking Enforcement Officer	P-1	\$28,701	\$29,706	\$30,743	\$31,821	\$32,922	\$37,142

Town of Natick
 Personnel Board Pay Plan
 Part Time/Seasonal Workers
 Fiscal Year 2003

Election Personnel:

E2 Precinct Warden
 E2 Deputy Warden
 E2 Deputy Clerk
 E1 Inspector
 Pricint Clerk

Library Personnel:

L1 Library Page (Morse Library)
 L2 Library Clerk (Bacon Free)
 L3 Library Assist (Bacon Free)
 L4 Library Custodian (Bacon Free)

Health Personnel:

H5 Nurse
 H3 Student Sanitarian
 A2 Secretary to Board
 A2 Inspector of Animals
 H1 Labor

Police Department Personnel:

M1 School Crossing Guards
 H6 Police Matron
 H4 Deputy Animal Control Officer
 H11 Police Transcriber

Special Personnel Classifications:

A1 Registrar of Voters
 A5 Parking Clerk
 H1 Town Meeting Page
 H1 Custodian
 H3 Clerical Assistant
 H2 Laborer
 H2 Census Taker
 H5 Administrative Support (Grants)
 H7 Bus Coordinator
 H8 Bus Drivers
 H9 Bus Dispatcher

Public Works Personnel:

H2 Laborer
 H12 Gardening Assistant

Fire Department Personnel:

A2 Civil Defense Fire Coordinator

Council On Aging:

H4 Clerk
 H4 Instructor
 H10 Social Worker

Council on Aging Session:

S9 Yoga Instructor

Parks & Recreation:

R12 Nurse
 R5 Manager/Supervisor Major Programs
 R4 Assistant Director/ Head Lifeguard/
 Swim Coach/Water Safety Instructor
 Director Medium Sized Programs
 R3 Lifeguards/Program Instructors/Specialists
 Concession Manager/Assistant Swim Coach
 R2 Leader/Instructor/Part-time Laborer
 R1 Attendants/Assistant Leaders/Junior Counselor
 Assistant Instructors

Session (S1 through S12)

S2 Timer/Scorer
 S4 Farm Instructor
 S9 Adult Contractor
 S12 Certified Sports Official

Town of Natick
 Personnel Board Part/Time Seasonal
 Workers Wage Schedule

Computer Purposes:	0	1	2	3	4	5	6
--------------------	---	---	---	---	---	---	---

Step	1	2	3	4	5	6	7
<u>Hourly Wage Scale:</u>							
H1	\$6.55	\$6.86	\$7.19	\$7.53	\$7.85	\$8.17	\$8.42
H2	\$7.19	\$7.53	\$7.85	\$8.17	\$8.49	\$8.83	\$9.09
H3	\$7.85	\$8.49	\$9.15	\$9.82	\$10.45	\$11.11	\$11.44
H4	\$8.49	\$9.15	\$9.82	\$10.45	\$11.11	\$11.76	\$12.11
H5	\$9.82	\$10.45	\$11.11	\$11.76	\$12.41	\$13.07	\$13.46
H6	\$14.37	\$14.80	\$15.24	\$15.70			
H7	\$13.72	\$14.13	\$14.55	\$14.99	\$15.44	\$15.90	\$16.38
H8	\$9.82	\$10.45	\$11.11	\$11.76	\$12.41	\$13.07	\$13.46
H9	\$9.82	\$10.45	\$11.11	\$11.76	\$12.41	\$13.07	\$13.46
H10 (HA)	\$16.15	\$16.63	\$17.13	\$17.64	\$18.17	\$18.71	
H11 (HB)	\$15.15	\$15.60	\$16.07	\$16.55	\$17.05		
H12 (HC)	\$12.36	\$13.82	\$15.29	\$16.74	\$17.24		

<u>Library Personnel:</u>							
L1	\$6.86	\$7.07	\$7.28	\$7.50	\$7.73	\$7.96	\$8.20
L2	\$9.43	\$9.71	\$9.99	\$10.30	\$10.62	\$10.93	\$11.26
L3	\$12.22	\$12.59	\$12.97	\$13.36	\$13.76	\$14.17	\$14.60
L4	\$2,163.00						

Annual Wage Schedule:

Step	1	2	1	2
A1	\$490	\$520	\$3,299	\$3,398
A2	\$827	\$852	\$5,203	\$5,359
A3	\$1,633	\$1,682	\$1,165	\$1,200
A4	\$2,354	\$2,424	\$816	\$840

School Crossing Guards:

Step	1	2
M1 Monthly School Year	\$607	\$624
M2 Daily School Year	\$33.71	\$34.66

Election Workers:

Step	1	2
E1 Warden	\$117	\$121
E2 Poll Worker	\$99	\$102

Session Worker

S9 Adult Contractor	\$23.54	\$25.66
---------------------	---------	---------

Recreation Revolving

Computer Purposes:	0	1	2	3	4	5	6
Step	1	2	3	4	5	6	7

Session Wage Schedule:

S2	\$9.15	\$9.43
S4	\$11.76	\$12.12
S9	\$23.54	\$25.66
S12	\$31.37	\$32.31

Hourly Wage Scale:

R1	\$7.16	\$7.48	\$7.80	\$8.12	\$8.44	\$8.76	\$9.07
R2	\$7.80	\$8.12	\$8.44	\$8.76	\$9.07	\$9.39	\$9.70
R3	\$9.02	\$9.55	\$10.08	\$10.61	\$11.14	\$11.67	\$12.21
R4	\$10.61	\$11.14	\$11.67	\$12.21	\$12.73	\$13.27	\$13.79
R5	\$12.73	\$13.27	\$13.79	\$14.33	\$14.85	\$15.39	\$15.91
R12	\$16.97	\$17.77					

ARTICLE 25

COUNCIL ON AGING

Section 1 Composition, Term of Office, Membership

There shall be a Council on Aging consisting of not less than three (3) nor more than eleven (11) members appointed for a term of three (3) years by the Board of Selectmen from the residents of the Town. The Chairperson of the Council shall be designated annually by the Council. It shall be the duty of the Council to carry out programs designed to meet problems of the aging in coordination with programs of the Executive Office of Elder Affairs established under Chapter 40, Section 8B of the General Laws of the Commonwealth of Massachusetts.

- a. Membership of the Council shall reflect the diversity of the population.
- b. All members shall be sworn in by the Town Clerk within seven days of their appointment and shall not serve until duly sworn in.
- c. Members shall serve not more than two three-year terms in succession.
- d. Each member shall have one vote on any question or matter before the Council. The Council on Aging may appoint associate members who may participate in deliberations and serve on subcommittees but have no vote on matters before the Council.

ARTICLE 26

HISTORIC DISTRICT COMMISSION

Section 1 **Composition, Term of Office**

There is hereby established an Historic District Commission under the provisions of the "Historic Districts Act", General Laws, Chapter 40C, as amended, consisting of seven (7) members and three (3) alternate members, appointed by the Selectmen, including one (1) member, where possible, from two (2) nominees submitted by the Natick Historical Society, one (1) member, where possible, from two (2) nominees, one (1) of which shall be submitted by the Massachusetts State Chapter of the American Institute of Architects, and one (1) of whom shall be submitted by the Boston Society of Landscape Architects, and one (1) member, where possible, from two (2) nominees of the Board of Realtors covering Natick. One (1) or more of the foregoing shall, where possible, be a resident of an Historic District established in Natick pursuant to the Historic Districts Act. When the Commission is first established three (3) members shall be appointed for a term of one year, two (2) shall be appointed for a term of two (2) years, and two (2) shall be appointed in like manner for three (3) years, and their successors shall be appointed in like manner for terms of three (3) years.

When the Commission is first established, one (1) alternate member shall be appointed in like manner for a term of one (1) year, one (1) alternate member shall be appointed for a term of two (2) years, one (1) alternate member shall be appointed for a term of three (3) years, and their successors shall be appointed in like manner for terms of three years.

Section 2 **Historic Districts**

There is hereby established under the provisions of the Historic Districts Act, Chapter 40C of the General Laws, as amended, the historic districts described as follows:

- (1) **John Eliot Historic District**, as shown on a plan entitled "Proposed Enlargement of John Eliot Historic District", drawn by the Natick Department of Public Works (scale 1" equals 100') dated August 28, 1975, and revised March 1, 1976, said plan being on record with the Town Clerk.
- (2) **Henry Wilson Historic District**, as shown on "Plan of the Proposed Henry Wilson Historic District, Natick, Massachusetts" drawn by the Natick Department of Public Works, (scale 1" equals 100'), said plan being on record with Town Clerk and said plan dated August 10, 1977, and revised November 8, 1977.

Section 3 **Powers and Duties**

The Historic District Commission shall have all the powers and duties of historic district commissions as provided by the Historic Districts Act, Chapter 40C of the General Laws, and of subsequent amendments thereto except that the authority of the commission shall not extend to the review of the following categories:

- a. Temporary structures or signs, subject, however, to such conditions as to duration of use, location of lighting, removal and similar matters as the commission may reasonably specify.
- b. Storm doors, storm windows and screens.
- c. The color of paint.

Section 4 Rules and Regulations

The Historic District Commission shall adopt rules and regulations for the conduct of its business not inconsistent with the provisions of the Historic Districts Act, General Laws, Chapter 40C, as amended, and may, subject to appropriation, employ clerical and technical assistants or consultants and may accept money gifts and expend same for such purpose.

Section 5 Time Limits

When taking action under the provisions of Section 7 of the Historic Districts Act, General Laws, Chapter 40C, as amended, the Historic District Commission shall make a determination within forty-five (45) days after the filing of the application for a certificate of appropriateness, or such further time as the applicant may in writing allow.

Section 6 Severability

In case any section, paragraph or part of this By-Law 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.

ARTICLE 27

INFORMATION SYSTEMS ADVISORY BOARD

Section 1 Powers and Duties

There shall be an Information Systems Advisory Board which shall advise the Town on policies, procedures, priorities, and planning of the information systems of the Town.

Section 2 Composition, Term of Office

Said Board shall be composed of five (5) members who shall be appointed by the Board of Selectmen from within the Town and shall not be full-time employees of the Town. When available, four (4) of said five (5) members appointed by the Board of Selectmen shall possess knowledge and experience in the field of information systems and services. Except for the initial appointments, the members of the Board appointed by the Board of Selectmen shall serve for three (3) year terms commencing May first. The initial appointments made by the Board of Selectmen shall be such that two (2) members are appointed for one (1) year, two members for two (2) years, and one (1) member for three (3) years. In the event of a vacancy occurring in the membership other than by the expiration of the term of a member, the Board of Selectmen shall within thirty (30) days after the vacancy occurs appoint a successor to serve for the balance of the unexpired term.

Section 3 Meetings

Meetings of said Board are to be held at least four (4) times each calendar year.

ARTICLE 28

REGISTRARS OF VOTERS

Section 1 Composition, Term of Office

There shall be three members of the Registrars of Voters appointed by the Board of Selectmen to terms of three years each, so arranged that one such term of office shall expire each year. In addition, the Town Clerk shall be a member ex officio.

ARTICLE 29

BOARD OF APPEALS

Section 1 Composition, Term of Office

There shall be a Board of Appeals appointed by the Board of Selectmen, consisting of five members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year, and three associate members appointed for terms of three years each, so arranged that one such term shall expire each year.

ARTICLE 30

CONSERVATION COMMISSION

Section 1 Composition, Term of Office

There shall be a Conservation Commission appointed by the Board of Selectmen, consisting of seven members appointed for terms of three years each, so arranged that as nearly an equal number of such terms as is possible shall expire each year.

ARTICLE 32

OPEN SPACE ADVISORY COMMITTEE

Section 1 Composition, Term of Office

There shall be an Open Space Advisory Committee consisting of seven members appointed by the Board of Selectmen. The Open Space Advisory Committee shall include one member of the Conservation Commission, one member of the Planning Board, one member of the Recreation and Parks Commission, and four at large members. Each person appointed to the Open Space Advisory Committee shall be a resident of the Town of Natick.

At the initial formation of the Open Space Advisory Committee the Board of Selectmen shall appoint three members to a three year term each, beginning July 1, 2003, two members to a two year term each, beginning July 1, 2003, and two members to a one year term each, beginning July 1, 2003. Thereafter each successor shall be appointed for a three year term.

Section 2 Powers and Duties

The Open Space Advisory Committee shall be an advisory body and a resource to the Board of Selectmen in carrying out the major goals outlined in the Natick Open Space and Recreation Plan and in revising the Natick Open Space and Recreation Plan as needed to comply with federal and Commonwealth of Massachusetts requirements and guidelines.

At least once during each calendar year the Open Space Advisory Committee shall report to the Board of Selectmen regarding its activities.

ARTICLE 40

TOWN REPORTS AND RECORDS

Section 1 Annual Reports

All Town Officers, Boards, and Committees shall file an annual report of their doings with the Board of Selectmen on or before January 15 of each year, and the Board of Selectmen shall cause such reports to be included in the Annual Town Report.

Any Committee failing to report as required to the Town Meeting shall be discharged unless the Town Meeting shall vote to continue the Committee notwithstanding.

Section 2 Distribution of Annual Town Report

The Selectmen shall have the printed Annual Town Report ready for distribution not later than March 25 of each year.

Section 3 Minutes of Proceedings

In carrying out the provisions of Section 7-9 (b) of the Charter, each Town Board, Commission, Committee and Sub-Committee shall record the minutes of its proceedings within a reasonable time, they shall contain therein its official name, date, time of its opening and adjournment, members present, minutes of previous meeting corrected or approved; motions voted thereon as approved or denied; that the meeting was duly posted by its Clerk or Secretary, as required by law, with the Town Clerk; and attested by its Clerk or Secretary.

Each Town Board, Commission, Committee and Sub-Committee shall notify the Town Clerk of its current mailing address and the location of its minutes which, by law, shall be available as public records.

In the event that any of these bodies are dissolved, these records shall be placed in the Town Clerk's Office for seven years.

Section 4 Real Estate Valuation Lists

In carrying out the provisions of Section 3-4 (b) of the Charter, the Assessors shall make available for public inspection their valuation lists for real estate for each year. The valuation lists shall be accessible in their office via computer; they shall be available online via the Town web site; and they shall be printed as documents for reference at the Morse Institute Library.

Section 5 Records of Tax Abatements

In carrying out the provisions of Section 3-4 (b) of the Charter, the Assessors shall make available for public inspection their lists of approved tax abatements as defined in Section 60 of Chapter 59 of the General Laws, including abatements for statutory exemptions as defined in Section 5 of said Chapter 59. The Assessors shall publish in the Annual Town Report for the just completed fiscal year the total amount of tax abatements, with subtotals by type, and the total amount of possible tax abatements for cases pending before the appellate tax board.

Section 6 Planning Board Report to Town Meeting

The Planning Board shall distribute its report on warrant article recommendations, as specified in Section 3-11 (b) of the Charter, to each Town Meeting Member at least ten (10) days in advance of a Town Meeting. The said recommendations shall be those of a majority of the Board, but this shall not be construed to prevent recommendations by a minority as such.

Section 7 Copies of Reports in Library

Two copies of all studies and reports prepared for the Town of Natick which have been authorized by a vote of Town Meeting shall be placed in the Town Library (the Morse Institute) within seven (7) days of the receipt of the completed document by any Town Department or office and retained for public examination.

ARTICLE 41

CONTRACTS, TOWN PROPERTY, AND REGULATIONS OF TOWN BOARDS AND OFFICIALS

Section 1 Procedures for Award of Contracts

No contract for the purchase of services, equipment, supplies or materials, the actual or estimated cost of which amounts to five thousand dollars (\$5,000.00) or more, but less than twenty-five thousand dollars (\$25,000.00), shall be awarded unless proposals for the contract have been invited from no less than three (3) vendors, contractors or other qualified persons. Administrative procedures for seeking such proposals shall be established by the Town Administrator except the administrative procedures for seeking proposals for the purchase of equipment and services other than School Department equipment, shall be under the jurisdiction of the Central Equipment Purchasing Committee. The Town of Natick shall reserve the right to reject any or all such proposals.

No contract for the purchase of services, equipment, supplies or materials, the actual or estimated cost of which amounts to twenty-five thousand dollars (\$25,000.00) or more, shall be awarded unless proposals for the contract have been invited by advertisement in at least one newspaper, published or circulated in the Town of Natick, such publication to be at least seven (7) days before the time specified for the opening of said proposals. Such advertisement shall state the place where plans and specifications for proposed work or purchases may be obtained and the time and place at which proposals will be opened, and shall reserve to the Town of Natick the right to reject any or all such proposals.

All proposals shall be opened in public. No contract, and no purchase, service or work for which a contract is proposed, shall be split or divided for the purpose of evading any provision of this section.

This section shall not apply to professional services, or to services performed by a person regularly employed by the Town as part of the duties of such employment. This section shall apply to architectural consulting services and engineering consulting services for which no procurement process is required by Massachusetts law.

Section 2 Emergencies

The Selectmen may exempt a purchase or contract from any or all of the provisions of the preceding section when, in their opinion, an emergency exists requiring immediate action on such purchase or contract to protect the health and safety of persons or property, or when no reasonably suitable substitute can be obtained for the article or service to be purchased or contracted for. Evidence indicating that such an emergency exists, or that no reasonable substitute for a purchase or service can be obtained shall be furnished to the Selectmen in writing by the officer, board, or committee making such purchase or contract, and shall be kept on file with other records of such transactions.

Section 3 Contract Files

Every Town board, official, employee or committee making or executing a contract on behalf of the Town shall furnish said contract or a copy thereof to the Town Comptroller within ten (10) days after its execution; and the Town Comptroller shall keep such contract or copy on file, open to public inspection during business hours. Such contracts or copies shall be kept in a book by themselves or in several books, arranged according to the subject of the contract, or in other convenient form, and an index to the subject matters of the contracts and to the names of the contractors shall be made semiannually, and shall be open to public inspection in some convenient form. All allowances under and additions to such contracts, or copies thereof, shall be filed with the Town Comptroller, together with a sworn statement of the person or persons authorizing such allowances or additions that the same are correct and in accordance with the contract.

Section 4 Compensation of Town Officers and Employees

No Town officer and no salaried employee of the Town shall receive any compensation or commission for work done by him for the Town, except his official salary and fees allowed by law, without permission of the Selectmen expressed in a vote which shall appear on their records with the reasons therefor.

Section 5 Disposal of Property

Whenever any property of the Town, other than real estate, the replacement value of which exceeds fifty dollars (\$50.00), shall have become obsolete, disused, worn out or necessary to replace, the Town official or officials having jurisdiction thereof shall so certify in writing to the Board of Selectmen who may reserve action relative to its disposal for consideration of a Town Meeting or may by vote authorize the official or officials to abandon, to trade, or to sell such property at a private or public sale.

Section 6 Sale of Tax Title Land

The Selectmen and Town Treasurer may sell at public auction and in such manner, upon such terms and for such consideration as in their judgment is for the best interest of the Town, lands held from time to time by the Town under tax titles the right of redemption from which has been foreclosed. Notice of such sales shall be advertised at least once in a newspaper published in the Town no less than fourteen (14) days prior to the date of the sale, and such notice shall include the location of such lands by street address or comparable description. The Conservation Commission and the Historical Commission of the Town shall be notified of such sale at the time that the advertisement is prepared.

(For more precise requirements on such sales, see Mass. Gen. Laws, Chapter 60, Sections 37-84A.)

Section 7 Designation of Town Vehicles

All automobiles and other vehicles owned by the Town shall be so designated by a circular label not less than six (6) inches in diameter bearing the words "Town of Natick" and the name of the Department, with the exception of those vehicles exempted from this by-law by the Board of Selectmen.

Section 8 Annual Audit

There shall be an annual audit of the accounts of the Town under the direction of the Director of the Bureau of Accounts of the Commonwealth of Massachusetts.

Section 9 Authorization for Expenditure of Funds

The Town Comptroller shall not approve for payment any warrant for the expenditure of public funds unless there shall appear thereon the signatures of at least a majority of the Town board, commission, or committee authorized to make expenditures.

Section 10 Fees Paid to the Town

All Town officers except constables shall pay into the Town Treasury all fees received by them by virtue of their office.

Section 11 Compliance with Open Meeting Law

All meetings of Town boards, commissions, committees, and subcommittees, elected, appointed or otherwise constituted, shall be in accordance with the provisions of Section 7-9 of the Charter and Sections 23A through 23C of Chapter 39 of the General Laws. In addition, in any matter requiring a vote of the Board, the vote shall be by voice or roll call and no secret or written ballots shall be used.

All elected boards and committees shall notify the Town Clerk of their organization, rules and regulations and shall file with him a yearly schedule of regular meetings. The Town Clerk shall be notified of changes in or additions to the meeting schedule not less than forty-eight (48) hours before the meeting concerned.

Appointed standing committees shall meet as required by their duties and shall notify the Town Clerk not less than forty-eight (48) hours before any meeting.

No portion of this section shall apply to any Committee or individual designated or appointed for purposes of collective bargaining pursuant to the General Laws 149, Section 1781.

Section 12 Availability of Regulations

Up-to-date copies of all regulations adopted by the Town, as listed in the table entitled "Town Regulations," which appears at the end of this article and is incorporated into this section by reference, shall be available for review by the public in the office of the official responsible for publication, in the office of the Town Clerk, and in the Morse Institute library.

Whenever changes to regulations are adopted, the responsible official shall either publish a complete new edition or provide a package of change pages. If packages of change pages are provided, the pages shall be marked with a distinguishing date or a change number, and a list of current pages shall be included so that other persons can accurately update copies in their possession.

TOWN REGULATIONS

Title	Approving Authorities	Official Responsible for Publication
Natick Home Rule Charter	Town Meeting, Attorney General, Voters	Town Clerk
Town of Natick By-Laws	Town Meeting, Attorney General	Town Clerk
Zoning By-Laws	Town Meeting, Attorney General	Planning Director
Subdivision Rules and Regulations	Planning Board	Planning Director
Rules and Regulations for Special Permits	Planning Board	Planning Director
Administrative Code	Town Meeting	Town Administrator
Traffic Rules and Orders	Board of Selectmen	Police Chief
Board of Health Regulations	Board of Health	Director of Public Health
Department of Public Works Regulations	Board of Selectmen	Director of Public Works
Zoning Board of Appeals Rules and Regulations	Zoning Board of Appeals	Secretary, Zoning Board of Appeals

ARTICLE 42

LICENSES

Section 1

License and Registration fees for storage of gasoline, petroleum products, or inflammable fluids, including fuel oils, for sale and for other than the applicant's own use, shall be as follows:

Licenses Fees

(1) Not over 2,000 gallons	\$ 35.00
(2) Each additional 1,000 gallons or part thereof	5.00
(3) Maximum license fees	150.00

Registration fees

one-half (1/2) of the license fees

Section 2

Every person before commencing business in the Town as a transient vendor, whether as principal or agent, shall make written application under oath, for a Town license to the Board of Selectmen and upon payment of a license fee fixed by it in compliance with Chapter 101 of the Massachusetts General Laws, shall be issued a license, provided, however, that said transient vendor comply with the regulations of the Board of Selectmen.

ARTICLE 43

LICENSES AND PERMITS OF DELINQUENT TAXPAYERS

Section 1 Report of Delinquent Taxpayers and Subject Property

The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or pending petition before the appellate tax board, and a list of properties for which such taxes, fees, assessments, betterments or other municipal charges have not been paid.

Section 2 Denial, Revocation, or Suspension of Licenses and Permits

The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension.

The Building Inspector or Community Development Department may deny an application for a permit regarding property which appears on said list of properties for which a tax, fee,, assessment or other municipal charge has not been paid. Said list shall be prima facie evidence for denial of said license or permit application of any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license or permit.

Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate, or that all local taxes, fees, assessments, betterments or other municipal charges have been paid to the municipality as of the date of issuance of said certificate, as applicable.

Section 3 Payment Agreements

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

Section 4 Waiving of Penalty by Board of Selectmen

The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight in the business or activity conducted in or on said property.

Section 5 Exclusions

This by-law shall not apply to the following licenses and permits: open burning, section thirteen of chapter forty-eight; bicycle permits, section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage license, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven; and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

ARTICLE 44

CONFLICT BETWEEN TOWN AGENCIES, ASSIGNMENT OF COUNSEL

Section 1 Applicability

Whenever one Town agency shall determine it to be in the Town's interest for such agency to be a party to any legal proceeding involving another Town agency, it shall, before making any such decision final, notify the Town Administrator of its intention to do so, provided, however, that this by-law shall not apply with respect to the institution of any legal proceeding by one Town agency involving another Town agency if such agency is authorized to bring such proceeding in carrying out its rights, duties, and responsibilities under the General Laws of the Commonwealth of Massachusetts.

Section 2 Procedure

Whenever the Town Administrator shall be notified by one Town agency of its intention to be a party to any legal proceeding involving another Town agency, said Town Administrator shall forthwith call a special meeting of the Town agencies involved and the Board of Selectmen. Unless a shorter time is made necessary because of time requirements imposed by the nature of the legal proceeding under consideration, such conference shall be held within ten days following the date of receipt of such notification by the Town Administrator.

Section 3 Mediation

It shall be the duty of the Board of Selectmen at any such joint meeting to act as mediators and as conciliators in an effort to resolve the differences between the parties involved, or if a resolution of the differences is not possible, to reduce the areas of difference to the smallest possible number in order to facilitate the disposition of the legal issues involved.

Section 4 Expenditure of Funds

No authorization for the expenditure of Town funds for legal counsel shall be valid unless a conference between the parties involved and the Board of Selectmen as provided in this by-law has been held.

ARTICLE 50

POLICE REGULATIONS

Section 1 Obstruction of Public Ways; License Required

No persons except officers of the Town in the lawful performance of their duties and those acting under their orders, shall obstruct any sidewalk or street or any part thereof, or break or dig the ground of the same, without first obtaining a written license from the Selectmen therefor.

Section 2 Deposit of Rubbish; Defacement of Public Ways

No person shall place or cause to be placed upon any public sidewalk or street any rubbish, debris, or broken glass, or paint, print, word, figure, or picture, except when authorized by the Director of Public Works and except as provided in Section 3 hereunder.

Section 3 Obstruction Due to Construction; Safety Requirements

Every person intending to erect, repair or take down any building on land abutting on any street or way which the Town is required to keep in repair, and who desires to make use of any portion of said street or way for the purpose of placing therein building materials or rubbish, shall give notice thereof to the Selectmen. The Selectmen may grant a permit to occupy a portion of said street or way, and such permit shall be upon the condition that the licensee shall keep a sufficient number of lighted lanterns at or near the parts of the street or way obstructed or unsafe, and shall keep a railing or guard around the same, while such obstruction shall continue. If such obstruction is more than a temporary condition, the licensee shall place a good temporary walk around said obstruction, and at the completion of the work shall restore the street or way to its former condition.

Section 4 Indemnification of Town

Before obtaining a license as specified in the preceding section the person applying for the same shall execute a written agreement to indemnify and save harmless the Town against and from all damages, by reason of cost or expense it may suffer or be put to by reason of any claim for damages or by reason of any proceeding, criminal or civil, on account of the existence of such obstruction or excavation.

Section 5 Obstruction of Sidewalks

No person shall, without written permit from the Selectmen, place or cause to be placed upon any sidewalk any object so as to obstruct the sidewalk for more than one hour, or for more than ten (10) minutes after being notified by a police officer or Selectman to move it.

Section 6 Crossing of Sidewalks by Vehicles

No person shall operate or place a motor vehicle, or trailer which is drawn by or used in combination with a motor vehicle, or any object having an over-all weight in excess of one-half (1/2) ton, upon a public sidewalk, except in using an established driveway, without a permit from the Director of Public Works which may, before issuing a permit, require the applicant to execute a written agreement to indemnify and save the Town harmless against and from all cost for the repair of damage to the sidewalk caused by such use, or by reason of any cost or expense it may suffer or be put to by reason of any claims for damages against the Town resulting from such use.

Section 7 deleted.

Section 8 Obstruction of Pedestrians

Three (3) or more persons shall not stand together or near each other in any street, or on any footwalk or sidewalk, or upon any land left open between the curbing and building facing thereon and left open and used as a sidewalk in the Town, so as to obstruct the free passage of foot passengers; and any person or persons so standing shall move on immediately after a request to do so made by any police officer of the Town.

No person shall loaf or loiter upon any public way after having been requested by a police officer to move.

Section 9 Tampering with Lighting on Public Ways

No person shall extinguish any street light, or extinguish and remove any light placed to warn the public against an obstruction or a defect in any street or way, unless such person is authorized by those having charge of such lights, or of the street or way, so to do.

Section 10 Playing on Public Ways

No person shall throw stones, snowballs, or other dangerous articles within any public way, nor play at baseball or football within any public streets of this Town.

Section 11 Transporting Garbage or Rubbish; License Required

No person shall carry or transport for hire any garbage or refuse in or through any public way or square in the Town of Natick, unless duly licensed by the Board of Selectmen upon such terms and conditions as said Board deems necessary for the health, comfort, and convenience of the Town. The Board of Health shall submit recommendations thereunder when requested by the Board of Selectmen.

Section 12 Damaging Public Shade Trees

No person shall unlawfully remove, mar, deface, or damage any public tree, shrub, flower bed, grassy border, structure, or device and no person shall attach any sign or structure to any public shade tree.

Section 13 Indecent or Profane Language

No person shall use any indecent or profane language in any public place in the Town or near any dwelling house or other building thereon.

Section 14 Trespassing; Invasion of Privacy

No person shall enter upon the premises of another for the purpose of committing any wanton or malicious act, nor for the purpose or with the intention of invading the privacy of another by peeping into the windows of a house or spying upon any person or persons resident therein.

Section 14 a Consumption of Alcoholic Beverages

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 or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, park or playground, or private land or place without consent of the owner or person of control thereof. All alcoholic beverages being used in violation of this By-Law shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession.

Section 15 Use of Firearms on Other Hunting Equipment

No person shall fire or discharge any firearms of any kind nor shall use bow and arrow where the arrow is equipped with a metal or other dangerous tip nor use, set, place or maintain any type of leghold, steel-jaw, or Conibear trap within the limits of any highway, park, or other public property or on any private property, except with the written consent of the owner or legal occupant or person having the right of control thereof, provided, however, that this By-Law shall not apply to the lawful defense of life or property or to any military exercises or funeral.

Section 16 Animal Control

16.1 **Disturbing the Peace** - No person shall own or keep in the Town any pet which, by barking, howling or in any other manner, disturbs the peace of another by reason of excessive noise for a prolonged period.

16.2 **Threat to Health and Safety** - No person shall own or keep in the Town any pet which, by biting, maiming, killing, chasing, or vicious disposition, threatens the health or safety of persons or property.

16.3 **Removal of Feces** - The person owning a pet shall be responsible for the prompt removal of any feces deposited on public or private property, except on the property of the owner of the pet or with the permission of the owner or occupant of the property.

16.4 **Restraint of Pets** - No person shall allow a pet, other than a cat, to run at large anywhere in the Town, except on the property of the owner of the pet or with the permission of the owner or occupant of the property.

16.5 **Leashing of Dogs** - No dog shall be permitted in any street or public way in the Town unless effectively restrained by a leash or chain not exceeding seven (7) feet in length.

16.6 **Complaint of Nuisance** - If any person shall make a complaint to the animal control officer or, in the case of after-hours complaints, to the police, concerning a violation of this Section 16, the investigating officer shall investigate such complaint and may prescribe fines, confinement, muzzlement, or removal or recommend disposal in accordance with this section.

16.7 **Fines** - If the investigating officer determines that a violation of this section has occurred, fines may be levied according to the following schedule:

First offense	\$25.00
Second offense	\$50.00
Third offense	\$75.00
Fourth and subsequent offenses	\$100.00
Unrestrained dog found on school or park property	\$100.00
Dog unlicensed	\$100.00
Dog unvaccinated for rabies	\$300.00

In addition to the foregoing fines, failure to renew a license for a dog within thirty days of the required time shall be punishable by a fine of twenty-five dollars. Failure to renew a license for a dog within sixty days of the required time shall be punishable by an additional fine of twenty-five dollars.

16.8 **Confinement** - The investigating officer may order an animal to be muzzled or confined to the owner's premises when, in his judgment, it is required for any of the following reasons:

- (1) If found at large or unmuzzled, as the case may be, while an order of the Board of Selectmen for the muzzling or confinement is in effect.
- (2) If found in a school, school yard or public recreational area.
- (3) For having bitten any person.
- (4) For having killed, maimed or damaged any other domesticated animal or livestock.
- (5) For chasing any vehicle upon any public way or way open to public travel in the Town.
- (6) For any violation of Sections 16.1 through 16.5.

16.9 **Recommendation for Disposal** - The investigating officer may recommend disposal of an animal to the Board of Selectmen when in the investigating officer's judgment it is required for any violation of Section 16.4.

16.10 **Other Fees and Charges** - The owner shall be responsible for any fines, kennel fees, court and legal costs, as well as the cost of publishing and sending notices. These fees must be paid before any pet is released from confinement.

16.11 **Definition** - For the purpose of this section, pet shall be defined as follows:

Pet: any domesticated animal, not including livestock or fowl, which is commonly housed within or upon the owner's or keeper's premises.

16.12 **Board of Selectmen Review** - If any person shall make a complaint of the Board of Selectmen, in writing, that a person is aggrieved by the ruling of an investigating officer, the Board of Selectmen shall investigate said complaint. The Selectmen may examine the complainant under oath. The Selectmen may make an order concerning the restraint or disposal of said animal as may be deemed necessary.

16.13 **Judicial Review** - Any person aggrieved by any order of the Board of Selectmen may seek judicial review in the manner provided in MGL, Chapter 140, Section 157.

16.14 **Applicability of General Laws** - This by-law is not intended to derogate or limit any powers, rights, or obligations set forth in MGL, Chapter 140, but is in addition thereto.

16.15 Dog License and Kennel License Fees

Male – Female	\$15.00
Spayed – Neutered	\$10.00
Kennels	
4 Dogs	\$25.00
10 Dogs	\$50.00
25 Dogs	\$75.00

Section 17 Storage of Unregistered Motor Vehicles and Trailers

17.1 Unregistered Motor Vehicles - Unless authorized by the Board of Selectmen, no person shall in a residential district store any unregistered motor vehicle or component part or parts thereof in a front yard, front driveway, or on a vacant lot; nor shall any person, without such authorization keep ungaraged on any lot in such a district more than one such unregistered motor vehicle or component parts thereof.

17.2 Unregistered Trailers - No person shall in a residential district store any unregistered trailer, or component part or parts thereof, in a front yard, front driveway, or on a vacant lot.

Section 18 Snow Removal

- a. Any person leaving a vehicle so as to obstruct snow removal operations shall be subject to a fine of \$50.00.
- b. No person shall plow snow into any public way after it has been plowed.

Section 19 Prohibitions on Morse's Pond

The use and operation of any internal combustion engine in or upon that portion of Morse's Pond located in the Town of Natick is prohibited. The provision of this section shall not apply to the Commonwealth of Massachusetts or any political subdivision thereof.

Section 20 Disposal of Rubbish

Disposal of refuse, bottles, cans, or rubbish on private land or public property is prohibited.

Section 21 Use of Off-Road Vehicles

Motorized recreational vehicles, including trail bikes, snowmobiles, and other off-road vehicles, may not be used on public property unless the agency in charge thereof shall have opened the land for the use of such vehicles and shall have erected signs stating that such uses are permitted. Said vehicles may not be used on private property without the permission of the owner or tenant; permission may be given in advance and may be given to an individual or club, or by the posting of appropriate permission signs by the owner or a person authorized by him. No person shall operate said vehicles within three hundred (300) feet of an occupied residence without the permission of the owner or tenant, except in cases of emergency or except directly to depart from and return to such residence.

Operators of motorized recreational vehicles must conform with other prevailing laws and regulations.

Section 22 Designated Parking Spaces for the Handicapped

22.1 **Authority** - Designated parking spaces for vehicles owned and operated by disabled veterans or by handicapped persons and bearing the distinctive number plates authorized by section two of Chapter 90 of the General Laws shall be provided in public and private off-street parking areas.

22.2 **Provision for** - Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for business, shopping, malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, shall be required to reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of Chapter 90 of the Massachusetts General Laws, according to the following formula:

If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five percent of such spaces, but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such spaces, but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one half percent of such spaces but not less than ten; more than one thousand but not more than two thousand, one percent of of such spaces, but not less than fifteen; more than two thousand but less than five thousand, three-fourths of one percent of such spaces but not less than twenty; and more than five thousand, one half of one percent of such spaces but not less than thirty.

22.3 Identification of - Parking spaces designated as reserve under the provisions of Paragraph 22.2 shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking; Special Plates Required. Unauthorized Vehicles May Be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two eight-foot wide areas with four feet of cross hatch between them. Such spaces shall be identified by a sign at each space. This sign shall be located at a height of not less than five (5) feet, not more than eight (8) feet to the top of the sign.

22.4 Prohibited Parking - The leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons as authorized by Paragraphs 22.2 and 22.3, or within a cross hatch area which is adjacent to a parking space designated for use by disabled veterans or handicapped persons as authorized by Paragraphs 22.2 and 22.3, or in such manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way shall be prohibited.

22.5 Penalty for Violation - The penalty for violation of Paragraph 22.4 of this by-law shall be one hundred dollars (\$100.00). The vehicle may be removed according to the provisions of Section 120D of Chapter 266 of the General Laws.

Section 23 Identification of Dwellings

Every building containing dwellings shall be identified by a street number, to be affixed to and displayed on such building, or elsewhere on the property containing such building, in such manner as to be readily visible from the street.

ARTICLE 51

ALARM SYSTEMS

Section 1 Definitions

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

- a. The term "Alarm System" means an assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a 110 volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Fire alarm systems and alarm systems, which monitor temperature, smoke, humidity, or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this by-law.
- b. The term "Alarm User" or "User" means any person on whose premises an alarm system is maintained within the town except for alarm systems on motor vehicles. Excluded from this definition and from the coverage of this by-law are central station personnel and persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. If such a system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of "alarm system," as that term is used by this by-law, and shall be subject to this by-law.
- c. The term "Automatic Dialing Device" refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- d. The term "Central Station" means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise circuits or where guards are maintained continuously to investigate signals.
- e. The word "Town" means Town of Natick.
- f. The term "Communications Console" means the instrumentation on alarms console at the receiving terminal of a signal line which, through both visual and audible signals, indicates an activation of an alarm system at a particular location, or which indicates line trouble.

- g. The term "Direct Connect" means an alarm system which has the capability of transmitting system signals to and receiving them at the Natick Police Department Communications Center.
- h. The term "False Alarm" means (1) the activation of an alarm system through mechanical failure, malfunction, improper installation or negligence of the user of alarm system or of his employees or agents; (2) any signal or oral communication transmitted to the police department requesting, or requiring, or resulting in a response on the part of the police department, when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises and no attempted robbery or burglary at a premises. Excluded from this definition are activations of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes, malfunction of telephone transmission lines and similar conditions.
- i. The term "Interconnect" means 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.
- j. The term "Police Chief" means the Chief of Police of the Town of Natick Police Department, or any authorized agent thereof.
- k. The term "Police" or "Police Department" means the Town of Natick Police Department, or any authorized agent thereof.
- l. The term "Public Nuisance" means anything which annoys, injures or endangers the comfort, repose, health or safety of any person(s) or of any community or neighborhood.
- m. The term "Selectmen" means the Natick Board of Selectmen.

Section 2 Administrative Rules

The Police Chief may promulgate such rules as may be necessary for implementation of this by-law.

Section 3 Automatic Dialing Devices - Interconnection to Natick Police Department

- a. No automatic dialing device shall be interconnected to any telephone numbers at the police department after the effective date of this by-law.
- b. Within six (6) months after the effective date of this by-law, all automatic dialing devices interconnected to any telephone numbers at the police department shall be disconnected therefrom. The user of each such device shall be responsible for having the device disconnected upon notification by the Police Chief.

Section 4 Automatic Dialing Devices - Intermediary Services

Any person using an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:

- a. a central station;
- b. an answering service; or
- c. any privately-owned or privately operated facility or terminal.

Section 5 Direct Connection to Police Department

a. All alarms must be authorized by the Police Chief prior to being connected to the police department.

b. In accordance with the normal practices in effect in the town, the Police Chief shall have the authority to request bids or proposals from companies in order to furnish, at no cost to the town, a communications console and the necessary telephone lines which are compatible to the receipt of alarm signals from alarm systems whose lines are connected to the police department. Each of the said bids shall set forth the annual fee each alarm user will be required to pay the alarm company for services rendered with respect to the communications console, except that no fee shall be assessed to the municipality for any alarms or connections to the console from properties owned by the municipality.

Such services shall be set forth in the form of a written contract between the alarm company and each alarm user. The provisions of this paragraph (b) relate solely to the aforementioned communications console, connections to the said console by alarm users, and fees and charges related to the installation and maintenance of the console. Any alarm user may contract with any alarm company of his choice for the sale, installation, maintenance, and/or servicing of the alarm system to be installed on his premises.

c. The alarm user, or the alarm business contracting for servicing the alarm user's alarm system, shall be responsible for obtaining the leased telephone line between the alarm user's premises and the alarm receiving equipment at the police department and for furnishing the appropriate interface equipment, if required, in order to provide an input signal which is compatible with the receiving equipment used to operate the communications console.

d. The provisions of this article concerning false alarms shall apply to all alarm users or persons having direct connect systems, except municipal, county and state agencies and religious organizations.

Section 6 Control and Curtailment of Signals Emitted by Alarm Systems

a. Every alarm user shall submit to the Police Chief and the alarm company who maintains the system at the police communications console the names and telephone numbers of at least two other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed. The names, addresses and telephone numbers of the responders must be kept current at all times by the alarm user and the alarm company.

b. All alarm systems directly connected to the Police Station shall be equipped with a test device which will give a ten-second delay or longer prior to the alarm system activation in order to warn the alarm user of an open alarm circuit.

c. Any alarm system that is heard audibly in a residential neighborhood in excess of five (5) times in any seven (7) day period, and any alarm system emitting a continuous and uninterrupted signal for more than thirty (30) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph (a) of this section, and which disturbs the peace, comfort, or repose of a community, or a neighborhood of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such an alarm system, the Police Chief shall endeavor to contact the alarm user under paragraph (a) of this section in an effort to abate the nuisance. The Police Chief shall cause to record the names and addresses of all complaints and the time each complaint was received.

 In the event that the Police Chief is unable to contact the alarm user, or member of the alarm user's family, or those persons designated by the alarm user under paragraph (a) of this section, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system, and if the Police Chief is otherwise unable to abate the nuisance, he may direct a police officer or a firefighter or a qualified alarm technician to enter upon the property outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.

 If entry upon the property outside the home or building in which the alarm system is located is made in accordance with this section, the person so entering upon such property (1) shall not conduct, engage in, or undertake any search, seizure, inspection or investigation while he is upon the property; (2) shall not cause any unnecessary damage to the alarm system or to any part of the home or building; and (3) shall leave the property immediately after the audible system has ceased. After an entry upon property has been made in accordance with this section, the Police Chief shall have the property secured, if necessary. The reasonable costs and expenses of abating a nuisance in accordance with this section may be assessed to the alarm user, said assessment not to exceed \$50.00.

Within ten (10) days after abatement of a nuisance in accordance with this section, the alarm user may request a hearing before the Selectmen and may present evidence showing that the signal emitted by this alarm system was not a public nuisance at the time of the abatement; that unnecessary damage was caused to his property in the course of the abatement; that the costs of the abatement should not be assessed to him; or the requirements of this section were not fulfilled. The Selectmen shall hear all interested parties and may, in its discretion, reimburse the alarm user for the repairs to his property necessitated by the abatement, or excuse the alarm user from paying the costs of abatement.

Section 7 Testing of Equipment

No alarm system designed to transmit emergency messages directly to the police department shall be worked on, tested or demonstrated without obtaining permission from the Police Chief. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the police department. An unauthorized test constitutes a false alarm.

Section 8 Emergency Notification List

Every business establishment within the Town whether alarmed or not shall provide written notice to the Police Chief listing the names, addresses, and telephone numbers of at least two persons who may be reached at any time, day or night and the two are authorized to respond to any emergency which has caused the police to be dispatched to said premises. Such notice shall be submitted during the first month of each year and shall be kept current at all times reflecting any changes in authorized personnel. Owner-residents shall be excluded from this paragraph.

Section 9 False Alarms

a. When emergency messages are received by the police department that evidence false alarms, the Police Chief shall take action as may be appropriate under paragraphs (b), (c), (d) and (e) of this section and, when required by the terms of the aforementioned paragraphs, order that use of an alarm system be discontinued.

b. After the police department has recorded three (3) separate false alarms within the calendar year from an alarm system, the Police Chief shall notify the alarm user, in person, by telephone, or by mail of such fact and require the said user to submit, within fifteen (15) days after receipt of such notice, a report describing efforts to discover and eliminate the cause or causes of the false alarms. If the said user, on the basis of absence from the town, or on any other reasonable basis requests an extension of time for filing the report, the Police Chief may extend the fifteen (15) day period for a reasonable period. If the said user fails to submit such a report within fifteen (15) days or within any such extended period, the Police Chief shall order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of the receipt of the Police Chief's order.

c. In the event that the Police Chief determines that a report submitted in accordance with paragraph (b) of this section is unsatisfactory, or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the Police Chief shall order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.

d. In the event that the police department records five (5) false alarms within the calendar year from an alarm system, the Police Chief may order that the user of the alarm system discontinue use of the alarm system for the calendar year, but for not less than six (6) months from the date the alarm was disconnected. In the event that the police department records eight (8) false alarms within the calendar year from an alarm system, the Police Chief shall order that the user of the alarm system discontinue use of the alarm system for the calendar year, but for not less than six (6) months from the date the alarm was disconnected.

e. Any user of an alarm system which transmits false alarms shall be assessed a penalty of one hundred (\$100.00) dollars for each false alarm in excess of three (3) occurring within the calendar year. All fines assessed hereunder shall be paid to the town Treasurer for deposit in the general fund. Upon failure of the user of an alarm system to pay two (2) consecutive fines assessed hereunder within sixty (60) days of assessment the Police Chief shall order that the user discontinue use of the alarm system. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.

f. Any user of an alarm system who has, in accordance with this section, been ordered by the Police Chief to discontinue use of an alarm system may appeal the order of discontinuance to the Selectmen. Notice of an appeal shall be filed with the Town Clerk within ten (10) days of the date of the order of discontinuance. Thereafter the Selectmen shall consider the merits of the appeal, and in connection therewith shall hear evidence presented by all interested persons. After hearing such evidence, the Selectmen may affirm, vacate or modify the order of discontinuance.

Section 10 Penalties

The following acts and omissions shall constitute violations of this by-law punishable by fines of up to \$100.00:

- a. failure to obey an order of the Police Chief to discontinue use of an alarm system, after exhaustion of the right of appeal;
- b. failure to disconnect an automatic dialing device from any telephone numbers at the police department within six (6) months after effective date of this by-law;
- c. interconnection of an automatic dialing device to any telephone numbers at the police department after the effective date of this by-law;
- d. failure to pay two (2) or more consecutive fines assessed under this by-law within sixty (60) days from the date of assessment;
- e. failure to comply with the requirements of Section 6;
- f. failure to comply with the requirements of Section 8.

Each day during which the aforesaid violations continue shall constitute a separate offense.

ARTICLE 52

SOLICITORS AND CANVASSERS

Section 1 License Required

It shall be unlawful for any solicitor or canvasser as defined in this by-law to engage in such business within the Town of Natick without first obtaining a license therefor in compliance with the provisions of this by-law. The provisions of this by-law shall not apply to any person exempted under Chapter 101 of the General Laws, or to any person duly licensed under Chapter 101 of the General Laws, or to any person exempted by any other General Law, nor shall this by-law be construed to prevent route salesmen or other persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon prospective customers to solicit an order for future periodic route deliveries. The provisions of this by-law shall not apply to any person who goes door-to-door to sell goods or periodicals on behalf of any group organized for any political purpose or for any purpose described in section four of chapter one hundred and eighty of the Massachusetts General Laws, and the provisions of this by-law shall not apply to any person under the age of eighteen years who sells or offers to sell newspapers.

Section 2 Definition

A solicitor or canvasser is defined as any person who, for himself, or for any other person, firm or corporation travels by foot, automobile or any other type of conveyance from place to place, from house to house, or from street to street, taking or attempting to lease or take orders for retail sale of goods, wares, merchandise, or services, including without limiting, the selling, distributing, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of all home improvements, or for services to be performed in the future whether or not such individual has, carries or exposes for retail sale a sample of the subject of such sale or whether he is collecting advance payment on such retail sales.

Section 3 Application

Applicants for a license shall file with the Chief of Police, on a form issued by the Police Department, a written application signed under penalties of perjury, containing the following information:

- (a) Name of applicant
- (b) Address of applicant (local and permanent home address)
- (c) Applicant's height, weight, eye and hair color
- (d) Applicant's social security number
- (e) The length of time for which the right to do business is desired
- (f) A brief description of the nature of the business and the goods to be sold
- (g) The name and home office address of the applicant's employer. If self-employed, it shall so state.

- (h) A photograph of the applicant which picture shall be submitted by the applicant and be 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner
- (i) If operating a motor vehicle: the year, make, model, motor number, registration number, state of registration, vehicle's owner and address.

At the time of filing the application, each applicant shall pay a fee of five (\$5.00) dollars.

Section 4 Issuance of License

A license shall be issued to any person who provides the information required by Section 3 of this by-law and who pays the required fee. Failure to comply with the provisions of this by-law shall be a basis for denial of a license or for suspension or revocation of a license issued under this by-law.

ARTICLE 53

USE OF RECREATIONAL CONVEYANCES

Section 1 Prohibited Areas of Use

Recreational conveyances, both motorized and non-motorized, including, but not limited to, scooters, skateboards, roller skates, and roller blades may not be used or operated in, on or upon any building owned by the Town of Natick or the stairs and grounds of a building owned by the Town of Natick, except grounds specifically designated for recreational use or operation. Such recreational conveyances may not be used or operated upon any private building or land where the owner or other person in control of the property has posted a notice prohibiting such use or operation.

Section 2 Hazardous Use Or Operations Prohibited

No person shall use or operate any such recreational conveyance in, on or upon any public way, sidewalk, parking area, or private property where such use or operation is permitted, in such a way that a hazard is created for pedestrians or vehicles. For purposes of this by-law, a hazard exists when a reasonable person could conclude that an injury to a person or damage to property would result from the use or operation of these conveyances in the manner observed.

Section 3 Penalty

Any person using or operating a recreational conveyance in a prohibited area or in a hazardous manner shall be assessed a fine of twenty-five dollars (\$25.00) for a first offense, and fifty dollars (\$50.00) for second and subsequent offenses. As an alternative to the monetary penalty, violators may, upon mutual agreement with the police department, elect to perform, for a first offense, eight hours community service, and sixteen hours community service for second and subsequent offenses. Such community service shall be at the direction of the Natick Police Department.

Section 4 Severability

In the event that any provision of this by-law is determined to be illegal or invalid by final judgment of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law.

ARTICLE 60

FIRE REGULATIONS

Section 1 Investigations and Inspections

The Chief of the Fire Department, or any members of said Department authorized by the Chief as Inspectors, may at all reasonable hours enter any building or premises for the purposes of making an inspection or investigation which they may be authorized to make under the provisions of (1) the Town By-Laws, (2) Chapter 148 of the General Laws, (3) Fire Prevention Codes as set forth in Chapter 527 of the Codes of Massachusetts Regulations, (4) the Massachusetts State Building Code, and (5) other pertinent rules or regulations.

Section 2 Removal of Dangerous or Hazardous Conditions

Whenever the Chief or any Inspector of the Fire Department shall find in any building or upon any premises dangerous or hazardous conditions as hereinafter defined, such conditions shall be removed or remedied in any reasonable manner and within such time as ordered by the Chief of the Fire Department.

- (1) Dangerous or unlawful amounts of combustible or explosive matter
- (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter
- (3) Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly flammable materials
- (4) Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts
- (5) Obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the Fire Department or egress of occupants in case of fire
- (6) Any building or other structure which, for want of repairs, lack of exit facilities, or dilapidated condition, or from any other cause, creates a fire hazard
- (7) Any discarded or unused appliance which may pose a danger to the public, especially children.

The service of such orders as mentioned in this section may be made upon the owner or occupant either by delivering a copy to him personally, or in case no such person is found, by affixing a copy thereof in a conspicuous place on said premises, or by mailing such copy by certified mail, with return receipt requested, to the owner's last known post office address as appearing on the Assessors' records.

Section 3 Maintenance of Fire Prevention Equipment

The Chief of the Fire Department shall inspect each business, mercantile and manufacturing establishment, school, place of assembly, hospital, place of detention, rooming house, motel, hotel, nursing home, rest home and multi-family house; and shall specify suitable fire detecting devices or extinguishing appliances which shall be provided, in or near furnace rooms, kitchens of restaurants and like establishments, storage rooms containing combustible material, rooms in which hazardous manufacturing processes are conducted, garage sections, and other places of a generally hazardous nature. Such devices or appliances may be approved by the Chief of the Fire Department. In specially hazardous processes or storages, appliances of more than one type or special systems may be required.

Sprinkler systems, standpipe systems, fire alarm systems, and other fire protective or extinguishing systems or appliances which have been installed in compliance with this By-Law, shall be maintained in operative condition at all times and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required; except that this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions. The Chief of the Fire Department shall be notified before such tests, repairs, alterations or additions are started, unless the work is to be continuous until completion.

Section 4 Fire Permits

No person shall make a fire in any public way or public place without first having obtained in writing the permission of the Chief of the Fire Department or his authorized representative.

Section 5 Fire Detection System

5.1 **Applicability** - Every multiple dwelling of more than four (4) units shall have an approved Fire Detection System - said system shall be connected to Fire Department Headquarters through the municipal fire alarm system.

5.2 **Equipment and Installation** - All equipment used shall be listed with the Underwriters Laboratories or Factor Mutual and as specified by the Natick Fire Department. Equipment shall be installed in accordance with practices outlined by the National Fire Protection Association.

5.3 **Heat Detectors** - Rate of Rise Heat Detectors shall be installed in utility rooms, service closets, basements, heating rooms, hallways and stairways in a manner approved by the Chief of the Fire Department.

5.4 **Manual Pull Stations** - Manual pull stations shall be located in the hallways and connected to the building fire alarm system. The number and location of such stations shall be determined by the Chief of the Fire Department.

5.5 **Audible Warning Devices** - Audible warning devices such as horns shall be installed above each manual pull station. The warning devices must be audible throughout the building.

5.6 **Master Fire Alarm Box** - The Master Fire Alarm Box shall conform to Natick Fire Department specifications. Where there is more than one multiple dwelling located so as to form a complex, one (1) master fire alarm box may be used, provided that each building has its own annunciator panel with a visible flashing red light mounted near the main entrance: the light must indicate the location of the building sending the alarm.

5.7 **Annunciator Panel** - An Annunciator Panel of a positive indication type shall be required in each building located adjacent to the Master Box. In complexes having more than one building connected to the Master Box, a separate annunciator panel will be located at each building adjacent to the main entrance.

5.8 **Supervisory Panel** - A Supervisory Panel and auxiliary power source shall be provided to continue operation of the building alarm system during a loss of power. Auxiliary power sources shall consist of rechargeable wet cell batteries or a standby generator. The supervisory panel shall supervise the condition of the auxiliary trip and may be incorporated in the auxiliary control panel.

5.9 **System Approval** - A complete set of plans with an equipment list shall be furnished the Chief of the Fire Department for his approval prior to installation. The Chief of the Fire Department shall make available a list of specifications and regulations governing fire protection systems which are to be connected to the Natick Municipal fire alarm system.

Section 6 Obstructing Fire Apparatus

It shall be unlawful to obstruct or block a private way with a vehicle or other means so as to prevent access by Fire Apparatus of equipment to any building.

Section 6 a Fire Lanes

It shall be unlawful to obstruct or park a vehicle in any Fire Lane, such Fire Lane to be designated by the Chief of the Fire Department and posted as such, said Fire Lane to be distance of twelve (12) feet from the curbing of a sidewalk in a shopping center, bowling establishment, theater and similar locations. Where no sidewalk with curbing exists, the distance shall be eighteen (18) feet from the building.

Any object or vehicle obstructing or blocking any Fire Lane or private way, may be removed or towed by the Town at the expense of the owner and without liability to the Town of Natick.

The building owner of record shall provide and install signs as provided in this section.

Section 7 Standpipe Systems

Any building hereinafter constructed and having three (3) or more stories shall have a standpipe system installed. Said standpipe system shall be installed in accordance with the National Fire Protection Association Installation of Standpipes and Hose Systems, NFPA No. 14. Plans shall be submitted to the Chief of the Fire Department for approval prior to installation.

Section 8 Use of Mechanical Protection Devices

8.1 Definitions

When used in the context of this By-law, the following terminologies shall convey the following meanings:

- 8.1.1 Fire Chief: The Chief of the Natick Fire Department.
- 8.1.2 Fire Alarm System: Any heat-activated, smoke-activated, water flow activated, flame energy activated or other such automatic device capable of transmitting a fire alarm signal to either a central station operating company or directly to the Natick Fire Department via a master fire alarm box on the Town's auxiliary cable system.
- 8.1.3 Central Station Operating Company: A company equipped to receive a fire alarm signal from each of its customers and the re-transmission of that alarm to the Natick Fire Department.
- 8.1.4 Fire Alarm System Malfunction: The transmittal of a false fire alarm to a central station operating company or directly to the Natick Fire Department via a master fire alarm box, and the cause of which is due to improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reason that causes a fire alarm to activate, even though there is no actual fire or situation that reasonable could evolve into a fire.
- 8.1.5 Fire Alarm System Owner: An individual or entity who owns the title to and/or has on his/her business or residential premises a fire alarm system equipped to transmit a fire alarm signal to a central station operating company or directly to the Natick Fire Department via a master alarm box.
- 8.1.6 Master Box Owner: An individual or entity who has on his/her business or residential premises a fire alarm system equipped, to transmit a fire alarm signal directly to the Natick Fire Department via the Town's auxiliary fire alarm circuit.

8.2 Connection of Fire Alarm Systems to the Natick Fire Department Auxiliary Alarm Circuit Via a Master Box

8.2.1 Before any fire alarm system is connected to the Natick Fire Department auxiliary alarm circuit, the master box owner shall provide the following information to the Fire Chief:

- a. The name, address and home and work telephone numbers of the master box owner.
- b. The name, address(es) and telephone number(s) of the person(s) or business(es) protected by the fire alarm system connected to the master box.
- c. The names, addresses and home and work numbers of at least two (2) persons other than the owner who can be contacted twenty-four hours per day, who are authorized by the master box owner to respond to an alarm signal when requested and who have access to the premises where the master box is located.

Owners of existing fire alarm systems connected to the Natick Fire Department auxiliary alarm circuit shall, after notification by first class mail, have sixty (60) days to comply with the requirements of this section.

If a master box owner fails to comply with any requirements of this section, the Fire Chief may assess a fine of fifty dollars (\$50.00) for each twenty-four (24) hour period of non-compliance following the sixty (60) day notification period.

8.3 Connection of Central Station Operating Companies to the Natick Fire Department

8.3.1 Before any central station operating company is connected with the Natick Fire Department, it shall provide the Fire Chief with the following information:

- a. The name, address and home and work telephone numbers of the central station alarm company.
- b. The name, address(es) and telephone number(s) of the person(s) or business(es) protected by the fire alarm system connected to the central station alarm company.
- c. The names, addresses and home and work numbers of at least two (2) persons other than the owner who can be contacted twenty-four hours per day, who are authorized by the master box owner to respond to an alarm signal when requested and who have access to the premises where the central station alarm company monitors the fire alarm notification signal and retransmission of that signal.

Owners of existing fire alarm systems previously connected to a central station operating company shall, after notification by first class mail, have sixty (60) days to comply with the requirements of this section.

If a central station alarm company fails to comply with any requirements of this section, the Fire Chief may assess a fine of fifty dollars (\$50.00) for each twenty-four (24) hour period of non-compliance following the sixty (60) day notification period.

8.4 Updating Information

Every master box owner and every central station operating company shall be responsible for updating information herein required to be provided to the Fire Chief.

8.5 Fire Alarm System Malfunctions (False Alarms) and Fines Structure

8.5.1 In order to alleviate the number of unnecessary responses by the Natick Fire Department to occupancies serviced by faulty fire alarm systems, the Fire Chief may assess a fine against a fire alarm system owner for each fire alarm system malfunction per calendar year according to the following schedule:

- a. First through third malfunction. No Charge.

Upon receipt of the third such false alarm by the Natick Fire Department the Fire Chief shall notify the owner of the fire alarm system in writing and by registered mail, return receipt requested, of such fact, and inform the owner of the Department's policy relative to charging for false fire alarms. A copy of the By-law shall be enclosed with the formal notice.

- b. Fourth through sixth malfunction \$100.00/call.
- c. Seventh through eleventh malfunction \$200.00/call.
- d. Each malfunction after the eleventh \$300.00/call.

8.5.2 Private fire alarm systems connected to the Natick Fire Department by other automatic means or through a central station system shall also be subject to the aforementioned fee structure (8.5.1).

8.5.3 Any false fire alarm which is the result of the failure of the property owner, occupant or their agent(s) to notify the Natick Fire Department of repair, maintenance or testing of the internal fire alarm system within the protected premises shall cause a penalty to be assessed in accordance with subsection 8.5.1.

8.5.4 For the purposes of this regulation a false fire alarm shall be defined as follows:

- a. The operation of a faulty smoke or heat or water flow detection device.
- b. Faulty control panel or associated equipment.
- c. A water pressure surge in automatic sprinkler system.
- d. Accidental operation of an automatic sprinkler system.
- e. An action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or the occupant, causing accidental activation of the internal fire alarm system.

8.5.5 Property owners will be billed once a month for the previous month's malfunction activity. All fines assessed shall be paid to the Town Treasurer for deposit in the general fund. If the bill is not paid within 30 days, a second notice will be sent; if the bill is not paid after another 30 day period, a final notice will be sent informing the owner and/or occupant that the master box will be disconnected and the insurance company notified after 30 days of said final notice.

8.6 Restrictions on Tape Dialers and Similar Automatic Telephone Devices

No fire alarm system shall be equipped with a tape dialer or similar automatic telephone device which will transmit an alarm message to any telephone lines of the Natick Fire Department. If at the passage of this bylaw a fire alarm system is equipped with such a tape dialer or similar automatic telephone device, the fire alarm system owner shall have sixty (60) days from the passage of this bylaw to disconnect such tape dialer or similar automatic telephone device. If a fire alarm system owner fails to comply with this section, the Fire Chief may assess a fine of fifty dollars (\$50.00).

8.7 Appeal Procedure

Any fire alarm system owner who is aggrieved by an action taken by the Fire Chief under this bylaw may, within ten (10) days of such action, file an appeal in writing, to the Board of Selectmen of the Town of Natick (the Board). After notice the Board shall hold a hearing, after which it shall issue a decision in which it affirms, annuls or modifies the action taken by the Fire Chief giving its reasons thereof. The Board shall send its decision to the owner by first class mail within ten (10) days after the hearing. The decision of the Board shall be a final administrative decision. The owner shall have thirty (30) days from the date of the written decision to seek judicial review in the Middlesex County Superior Court.

8.8 Regulations and Enforcement

The Fire Chief may promulgate such regulations as may be necessary to implement this bylaw. The Fire Chief is authorized to pursue such legal action as may be necessary to enforce this bylaw.

Section 9 Smoke or Heat Detectors for Dwellings Not Otherwise Regulated

As required by and as defined in Section 26C of Chapter 148 of the General Laws, apartment houses containing six or more dwelling units, hotels, boarding or lodging houses, or family hotels, which are not regulated by Sections 26A or 26B of said chapter, shall be equipped with automatic smoke or heat detectors in each dwelling unit and each hallway floor.

The head of the Fire Department, as defined in Section 1 of said chapter, shall enforce the provisions of this section.

Section 10 Annual Service Fee

An annual service and users fee of \$300.00 for all master fire alarm boxes connected to the Municipal Fire Alarm System, from mercantile, commercial and/or industrial occupancies.

Section 11 Sprinklers in High Rise Buildings

As required by and as defined in Sections 26A and 26A1/2 of Chapter 148 of the General Laws, all high rise buildings shall have an adequate system of automatic sprinklers.

Section 12 Automatic Fire Warning Systems in Certain Resident Buildings

As required by and as defined in Section 26B of Chapter 148 of the General Laws, all buildings occupied or to be occupied for residential purposes shall have an adequate system of automatic sprinklers.

Section 13 Smoke Detectors in Private Dwellings

As required by and as defined in Sections 26D and 26E of Chapter 148 of the General Laws, all private dwellings shall be equipped with smoke detectors.

As required by Section 26F of said chapter, the seller shall equip the building or structure with smoke detectors upon the sale or transfer of such building or structure.

Section 14 Sprinkler Systems in Buildings, General

As required by and as defined in Section 26G of Chapter 148 of the General Laws, all buildings shall be equipped with an automatic sprinkler system.

Section 15 Sprinkler Systems in Boarding Houses

As required by and as defined in Section 26H of Chapter 148 of the General Laws, all boarding houses shall be equipped with an automatic sprinkler system.

ARTICLE 70

PUBLIC WORKS REGULATIONS

Section 1 Powers and Duties

The Town Administrator shall have the general direction and management of the affairs of the Town concerning public water supply, public sewerage, highways, sidewalks, the removal of public shade trees, sign posts, garbage and refuse collections and Town Gravel Pit, and shall operate and administer the Town Dump in accordance with rules and regulations established by the Board of Health.

Section 2 Rental Charges

The Town Administrator may make a charge for use or rental of road machinery used on construction work authorized by Town Meeting vote.

Section 3 Receipts

All receipts from charges for use or rental of road machinery shall be paid over to the Town Treasurer and credited to an account entitled Road Machinery Account, the proceeds to be thereafter appropriated as voted by the Town for road machinery purposes.

Section 4 Restrictions on Use of Equipment

Road machinery and equipment owned by the Town shall not be used for purposes other than Town or civic projects.

Section 5 Removal of Vehicles Impeding Snow Removal

The Director of Public Works or other officer having charge of ways, for the purpose of removing or ploughing snow, or removing ice from any way may remove or cause to be removed to some convenient place, including a public garage, any vehicle interfering with such work. He shall keep or cause to be kept, records of the registration number of each vehicle so removed and the place to which it is removed and shall within twelve (12) hours report said information to the Police Department of Natick who shall notify the owner or his agent.

Before the owner or his agent shall be permitted to remove a vehicle which has been removed as aforesaid to a public garage or other convenient place, he shall:

- a. Furnish satisfactory evidence to the owner or person in charge of said public garage or to the Chief of Police of his identity and ownership or right to the possession of said vehicle.
- b. Pay the cost of removing and storing said vehicle, together with the cost of publishing or sending any notices as may be required.

Section 6 Betterments

Whenever betterments are assessed in connection with a public way, the entire cost of the construction of streets on said ways shall be assessed to the abutters and one-half (1/2) of the costs of construction of sidewalks shall be assessed to the abutters, provided, however, that this section shall not apply to a subdivision of land under Section 81 of Chapter 41 of the General Laws as amended.

The Director of Public Works may make repairs to private ways providing that an Annual or Special Town Meeting determines that the repairs are required by public necessity and convenience and a majority of the abutters petition for such repairs to be made and that the way has been open to public use for a period of six (6) years. Such repairs shall include the installation and construction of drainage if necessary, and the filling of holes in the sub-surface of such ways and repairs to the surface materials thereof. Materials for such repairs shall, where practical, be the same as or similar to those used for existing surfaces of such ways but may include surfacing the ways with bituminous materials including but not limited to bituminous concrete.

The Town Administrator shall assess betterments upon the owners of estates which derive particular advantage from the making of such repairs on any such private way. Such assessment shall be a sum equal, in the aggregate, to the total cost of such repairs and, in the case of each such estate, in proportion to the frontage thereof on such way. Except as otherwise provided, the provisions of Chapter Eighty relating to public improvements and assessments thereof shall apply to repairs to private ways ordered to be made under this section; provided that no assessment amounting to less than twenty-five dollars (\$25.00) shall be apportioned and no assessment may be apportioned into more than ten (10) portions.

The Town shall not be liable on account of any damage caused by such repairs.

Section 7 Tank and/or Contaminated Soil Betterment

a. Basic Requirements

The Board of Selectmen of the Town of Natick shall assess tank and/or soil contamination abatement net costs to all private properties whose tank and/or contaminated soil was removed and lawfully disposed of at Town expense.

b. Method of Apportionment of Costs

The owners of each dwelling unit shall be charged a betterment equal to the net cost of removing and disposing of such tank and/or soil from that owner's property.

The net cost of removing and disposing of such tank and/or soil from an owner's property is defined as the Town's cost to remove and lawfully dispose of such material, not to exceed five thousand dollars (\$5,000.00), on the condition that any cost over five thousand dollars (\$5,000.00) shall be paid from the Commonwealth of Massachusetts and/or the United States government. If no such grant is provided to the Town, this by-law shall not take effect and further action of Town Meeting will be required to fund the project.

c. **Terms of the Betterment**

The owners who are assessed betterments for the above purposes will have the option of paying the betterment immediately or paying it over a number of years up to a maximum total of 20 years.

Such property owners shall have the right to pay off the remaining balance of a betterment at any time.

When a property with such a betterment is conveyed to another party, the remaining balance of the betterment may be paid or the obligation of the betterment may be transferred to the new property owner.

The interest paid by a property owner on the betterment will be equal to the rate of interest paid by the Town on any bond or note issued for this improvement.

ARTICLE 71

SEWER ASSESSMENT

Section 1 Purpose and Authorization

To assess all properties receiving benefit or advantage from public sewerage construction within a limited and determinable area in accordance with the formal vote of the Board of Selectmen in accordance with Chapter 80, Section 1 of the General Laws and any other applicable statute, general or special.

Section 2 Basic Requirements

Other than in respect to the West Speen Street Pumping District, the Town Administrator shall assess sewerage construction costs to all properties receiving benefit of advantage on the basis of the unit method as hereinafter defined. He shall separate the costs of the general benefit facilities, such as pumping stations, trunk and force mains, lands, rights-of-way, and easements from those of the special benefit facilities, such as the sewer mains serving adjacent properties. The proportional cost of the special and general benefit facilities shall be assessed against all properties abutting a sewer street upon such sewer becoming operational. The cost of the general benefit facilities, attributable to lands not abutting a sewer street, shall not be assessed until the properties are serviced by public sewerage. The Town will temporarily pay this delayed cost of the general benefit facilities until such lands are serviced by public sewerage. In the West Speen Street Pumping District, the Town Administrator shall assess the West Speen Street Sewer Construction Costs based upon the unit method to the properties in the West Speen Street Pumping District; or in case of other sewerage construction costs, shall assess sewerage construction costs in accordance with this By-Law.

Section 3 Definitions

For the purpose of this By-Law, the following words shall be considered to have the following meanings:

- (1) **Unit Method:** a means by which sewerage construction costs shall be equally divided between the total number of existing and potential sewer units to be served after having proportioned the costs resulting from special and general benefit facilities.
- (2) **Sewer Unit:** assessment equivalent correspondent to a single family residential lot as permitted under the Zoning By-Laws of the Town of Natick.
- (3) **Dwelling Unit:** one or more rooms providing complete living facilities for one family, including equipment for cooking, or provisions for the same, and including room or rooms for living, sleeping, and eating.
- (4) **Multifamily Use:** occupancy of premises with two or more dwelling units.

- (5) **Commercial Use:** occupancy of premises for financial gain including profit such as business and industrial uses.
- (6) **Semi-public Use:** occupancy of premises by private non-profit organizations such as schools, hospitals, and religious institutions.
- (7) **Lateral Line:** sewer conduit from a house to a street.
- (8) **Sewer Main:** the line serving as a conduit for sanitary sewerage from the lateral lines from each individual property.
- (9) **Trunk Main:** the line serving as a conduit for sanitary sewerage from a number of sewer mains and lateral lines. Trunk mains shall be considered as those lines ten (10) inches and over in diameter.
- (10) **Force Main:** a line without access from individual properties providing access from pumping station to pumping station or to trunk and sewer main.
- (11) **Zoning By-Law:** the Zoning By-Law in effect in the Town of Natick at the time the sewerage betterment assessment is levied.
- (12) **Special Benefit Facilities:** the sewer main to which a lateral line from an individual abutting property can be connected.
- (13) **General Benefit Facilities:** improvements such as pumping stations, trunk and force mains, lands, rights-of-way, and easements which will provide benefit or advantage to an area exceeding that served by the special benefit facilities. Ordinarily general benefit facilities will serve a major part of a pumping district.
- (14) **West Speen Street Pumping District:** The land comprising Assessor's Map 16, Lot 2 and Map 24, Lot 101.
- (15) **West Speen Street Sewage Construction Cost:** all sewer improvements required to be constructed to accommodate sewage flow from the West Speen Street Pumping District as part of the redevelopment and expansion at the Natick Mall as approved by the Planning Board in Decision 16-04 dated July 19, 2004 as the same may be modified, or a approved by an Approved Use Development Plan adopted by Town Meeting.

Section 4 Sewer Cost Apportionment

Other than for West Speen Street Sewer Construction Costs, betterments shall be assessed for seventy-five per cent (75%) of the cost of special and general benefit facilities with twenty-five per cent (25%) of the cost to be paid by the Town. In the West Speen Street Pumping District, betterments shall be assessed for one hundred percent (100%) of the cost of special and

general benefit facilities for West Speen Street Sewer Construction Costs with no cost to be paid by the Town.

Each parcel of land in a pumping district shall be converted into permanent sewer units for the purpose of proportionally dividing the construction costs. For assessment purposes a sewer unit shall be equivalent to a single family residential lot of the minimum frontage and depth requirements specified in the Zoning By-Law for the district in which the property is located.

If a lot containing a dwelling unit or structure used for commercial or semi-public purposes is smaller than that required by the Zoning By-Law for residential purposes, it shall be assessed one unit. If a dwelling unit is so situated on two or more adjacent residential lots so that only one residence is allowable, or is an owner with two or more such adjacent lots is using one lot for his house and the remainder is vacant, he will be assessed one sewer unit until such land is further developed. At the time of development proportional assessment will be made based on previously established permanent sewer units. Multifamily residences shall be assessed one sewer unit for each dwelling unit.

Commercial and industrial and semi-public uses and all properties within the West Speen Street Pumping District shall be converted into sewer units on the basis of the minimum frontage and depth requirements of the nearest single family residential district with the largest common frontage.

If any parcels of land are ever converted to a more intensive use by new construction, zoning changes, or variance of the Zoning By-Laws, resulting in an increment in sewerage benefit for the parcel greater than that established at the time of the original assessment, the Town Administrator shall proportionally assess the more intensive use.

The following methodology is presented as a guide for apportioning the cost of sewerage construction using the unit method:

- (1) The cost of the general benefit facilities and the special benefit facilities shall be separated from each other. The cost of the general benefit facilities shall be divided into two parts:
 - (a) the cost apportioned to the lands abutting existing streets which will receive direct benefit and advantage upon connection to the sewerage system; and
 - (b) the cost apportioned to the lands not abutting the existing streets to be sewerred, which cost will accrue at a later date.
- (2) The proportion of a property abutting a street to be sewerred that will benefit from the improvement shall be converted into sewer units as follows:
 - (a) Existing residential uses, including multi-family uses, shall be converted into sewer units on the basis of the number of dwelling units in the structure.

- (b) Existing commercial and semi-public uses shall be converted into sewer units. The street frontage of the property including all which is actually developed for use at the present time shall be divided into sewer units on the basis of the frontage and depth requirements specified for the single family zoning district in closest proximity to it. These parcels shall be assessed for both special and general benefit costs. The remainder of the property shall be divided into residential units as above after having made allocation for potential roadways and lands not useable. These latter parcels shall be assessed only for the general benefit facilities.
 - (c) Potential residential lands shall be converted into sewer units on the basis of the frontage and depth requirements for a lot specified in the Zoning By-Law for the district in which such lands are located.
 - (d) Potential commercial lands shall be converted into sewer units on the basis of the frontage and depth requirements specified in the Zoning By-Laws for the single family district in closest proximity with the largest common frontage.
- (3) Properties not immediately benefiting from sewer improvements in the determinable area, but which will benefit at a later date, shall be converted into sewer units.
- (a) Existing and potential residential lands shall be converted into sewer units on the basis of the frontage and depth requirements for a lot specified in the Zoning By-Law for the district in which such lands are located after having made allocation for potential roadways and lands not useable.
 - (b) Potential commercial lands shall be converted into sewer units on the basis of the frontage and depth requirements specified in the Zoning By-Law for the single family zoning district in closest proximity with the largest common frontage after having made allocation for potential roadways and lands not useable.
- (4) The unit cost for special benefit facilities shall be allocated to all properties abutting an existing street by dividing the cost of the special benefit facilities (Item 1) by the total number of sewer units calculated for such area (Item 2)
- (5) The unit cost for general benefit facilities shall be allocated to all properties within the limited and determining area by dividing the cost of the general benefit facilities (Item 1) by the total number of sewer units within such area (Item 2 plus 3).
- (6) The total unit cost for all properties abutting an existing street shall be calculated by adding the unit cost of the general and special benefit facilities together.

- (7) The proportional unit cost which will temporarily be payable by the Town, but reimbursable when the properties directly benefit from the general benefit facilities shall be calculated by multiplying the number of sewer units attributable to the area not receiving immediate benefit (Item 3) by the unit cost for general benefit facilities (Item 5).

Section 5 Sewer Connection

An abutter to a completed section of a sewer line may connect to the completed line before the entire sewer project is completed and assessed, provided that he makes a stipulated monetary deposit and signs an agreement with the Department of Public Works to the effect that he will pay the balance of the assessment when levied.

ARTICLE 72

BUILDING REGULATIONS

Section 1 Building Permits, Orders, and Certificates

Each permit, order and certificate issued by the Building Inspector shall bear a serial number and date, identical on all copies, and shall definitely locate the premises referred to by street and number or otherwise.

Section 2 Identification of Structures by Street Number

At the time of issuing a certificate of occupancy for a building or structure, whether same be new, added to or altered, or for a change of occupancy if no street number has been assigned thereto, the Building Inspector shall, wherever it is practicable, assign a number or numbers in accordance with the existing numbering system. The Building Inspector shall also assign and order street numbers in accordance with the said system to be affixed or displayed on any buildings not already so numbered on any street. Such numbers shall be affixed or displayed in such a manner as to be readily visible from the street. Owners shall be allowed ten (10) days after the giving of written notice by the Building Inspector to comply with such order.

The street number of an existing building or structure may be changed only by vote of the Board of Selectmen, after a Public Hearing by the Board of Selectmen for which fourteen (14) days written notice has been given to the owner of each building or structure for which the number is proposed to be changed and after receipt by the Board of Selectmen of a written recommendation from the Safety Committee of the Town.

Section 3 Fees

A fee schedule for permits and certificates may be established or amended by the Selectmen and the Building Inspector after due notice has been given by publication in a local newspaper at least fourteen (14) days prior to approval.

Section 4 Fences

All fences shall be erected with the finished side of the fence facing the property of the abutters and the frame side of the fence facing the property on which it is erected. The fence owner shall not use the land between the fence and the boundary line for the storage or disposal of any material. The fence owner shall have access to an abutter's side of the fence for maintenance and repairs.

Unless written permission is secured from the abutters to erect fence on property lines, fence must be erected at least one (1) foot in from boundary lines.

Section 5 Height Requirements at Intersection

In any lot which abuts an intersection of two or more streets, no fence, shrubbery or other object which is located within fifteen (15) feet of such an intersection, shall be maintained more than three (3) feet above the street grade measured at said intersection.

Section 6 Signs in Public Ways

No person shall place any unauthorized or non-conforming sign within the right-of-way of any street. The Building Inspector is authorized to take down and remove such an unauthorized or non-conforming sign. Such sign shall be retained by the Building Inspector for a period of thirty days after its removal. The owner of such sign may reclaim it within thirty days of its removal by submitting satisfactory proof of ownership to the Building Inspector. If such sign is not claimed within such thirty day period, the Building Inspector may cause such sign to be destroyed without incurring any liability to the Town or any of its Agents.

ARTICLE 73

JUNK COLLECTORS

Section 1

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

Section 2

The Selectmen may require all such collectors and their employees or agents to display badges upon their persons or vehicles, or both, when engaged in said business and may prescribe the design thereof.

Section 3

The Selectmen may require that any place, vehicle or receptacle used for the collecting or keeping of said articles be examined at any time by said Selectmen or their agent.

Section 4

No person licensed under this Article shall directly or indirectly purchase or receive any of said articles of a minor or apprentice, knowing or having reason to believe him to be such.

ARTICLE 74

JUNK DEALERS

Section 1

The Selectmen shall license suitable persons to be dealers in and keepers of shops for the purchase, sale, and barter of junk, old metal and second-hand articles and no person shall be a dealer in or keeper of such a shop without a license.

Section 2

No person shall use any building, enclosure or other structure for the storage, sale or keeping of rags, waste paper, stock or other inflammable material without a written license therefor from the Selectmen.

Section 3

Every keeper of a shop for the purchase, sale or barter of junk, old metals, or second-hand articles, within the limits of the Town, shall keep a record in the form prescribed by the police department, on which shall be written, at the time of every purchase of any such article, a description thereof, the name, age and residence of the person from whom, and the day and hour when, such purchase was made. No article shall be accepted without a showing of positive photo identification by the person offering the article for sale to the shop keeper. The shop keeper's record shall at all times be open to the inspection of the Selectmen, members of the police department and any other person authorized by the Board of Selectmen to make such inspection.

A copy of the weekly record shall be forwarded to the police department operations division at the end of each week, and any article taken into possession by the shop keeper shall be held on premises for ten days before resale.

After completion of the licensing/renewal process the Board of Selectmen shall forward a list to the police department of all licenses in good standing.

Violations of the provisions of this by-law shall be punishable by a fine of one hundred dollars (\$100.00), and each transaction in violation shall constitute a separate offense.

A copy of this by-law will be provided to each licensee at the time of licensing or renewal.

ARTICLE 75

REMEDY OF PUBLIC NUISANCE

Section 1 Authority and Purpose

Pursuant to the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution and the specific powers granted by the Massachusetts General Laws, this by-law is adopted to remedy nuisances within the Town.

Section 2 Definitions

In this by-law, the following words shall have the following meanings:

- (1) **Building:** A combination of any materials, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed, to form a structure for the shelter of persons, animals, or property. The word "building" shall be construed where the context requires as though followed by the words "or part or parts thereof".
- (2) **Interested Parties:** In connection with the notification requirements of this by-law, interested parties are the owner(s) of the property which is the subject of the hearing; the Town Administrator and his designee; owners of property directly opposite the subject property on any public or private street or way; abutters of the subject property; and abutters of abutters within three hundred feet of the property line of the subject property. Ownership of land shall be determined by the most recent tax list.
- (3) **Nuisance:** All public nuisances as known at common law or in equity jurisprudence; and furthermore whatever is dangerous to human life or detrimental to health. Specific conditions which may be characterized as nuisances include, without limitation:
 - (a) Burned structures not otherwise lawfully habitable or usable
 - (b) Dilapidated structures
 - (c) Dangerous or unsafe structures
 - (d) Dead, decayed, diseased or hazardous trees, debris or trash
 - (e) Unregistered or abandoned vehicles or discarded vehicle parts which are not reasonably related to a use of the property permitted under current zoning
 - (f) Commercial vehicles in excess of that permitted under current zoning by-laws
 - (g) Construction equipment not being diligently employed in construction activity on-site in a single family (RS) zoning district.
- (4) **Owner:** The recorded title holder to the property, or the authorized agent, assignee or representative of said title holder.
- (5) **Occupant:** The person occupying or in control of such property.

- (6) **Structure:** A combination of materials assembled at a fixed location to give support or shelter such as a building, framework, retaining wall, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, or mast for an antenna or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof".

Section 3 Investigation

The Town Administrator shall, upon written complaint, have any condition inspected which may constitute a nuisance. The Town Administrator shall assign the investigation to the town official who, in his judgment, is the most appropriate investigating authority.

Section 4 Report

If, in the opinion of the Town Administrator or his designee, the reported condition does constitute a nuisance, he or his designee shall make a written report to the Selectmen of such condition, together with a petition for remedial action, and shall file a copy of the petition with the Town Clerk.

Section 5 Hearing

Upon receipt of such petition and report, the Board of Selectmen shall set a date for a hearing before said Board, not more than thirty (30) days after the date of filing of the petition with the Town Clerk.

Section 6 Notification

Notice of said hearing shall be posted, published and sent to all interested parties not less than fourteen (14) days before the date of said hearing. Notice of the hearing shall state the subject matter sufficient for proper identification, and the date, time and place of the hearing and shall be made in the following manner:

- (1) Publication of the notice in a newspaper of general circulation in the Town
- (2) Mailings by first class mail to the addresses of interested parties.

Section 7 Order

Within seven (7) days of the hearing, the Selectmen shall determine whether or not the condition constitutes a nuisance, and shall determine what action shall be taken by the owner to remove the nuisance. Such actions may include, but shall not be limited to abatement or removal of the nuisance at the owner's expense within twenty-four hours after service of the order, or such other time as may be determined by the Selectmen.

Section 8 Service of Order

The Town Clerk shall deliver a copy of the order to an officer qualified to serve civil process, who shall forthwith serve an attested copy thereof. Such order shall be in writing and shall be served on the owner in the manner specified by MGL, Ch. 111, s. 124, as amended.

Section 9 Penalty

An owner or occupant shall forfeit twenty dollars (\$20.00) for every day during which he willfully violates such order.

Section 10 Appeal to Superior Court

In accordance with MGL, Ch. 139, s. 2, a person aggrieved by such order may appeal to the Middlesex Superior Court. This civil action must be commenced within three (3) days after the service of the attested copy of the order upon said aggrieved person.

Section 11 Removal of Nuisance by Selectmen

If the owner fails to comply with the order within the time limit given in the order, the Selectmen may cause the nuisance to be removed and all expenses incurred thereby shall constitute a debt due the Town upon completion of the removal and the rendering of an account therefor to the owner, and shall be recoverable from such owner in an action of contract. Any such debt shall constitute a lien on the land upon which the nuisance was located. The Selectmen shall follow the procedures relative to liens provided in MGL, Ch. 139, s. 3A, as amended.

ARTICLE 76

REGULATIONS FOR THE DEMOLITION, ALTERATION OR RELOCATION OF HISTORICALLY SIGNIFICANT BUILDINGS OR STRUCTURES

Section 1 Intent and Purpose

Pursuant to the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution and the specific powers granted by the Massachusetts General Laws, this bylaw is adopted for the purpose of protecting and preserving significant buildings and structures which constitute or reflect distinctive features pertaining to the history of the Town of Natick and for the purpose of promoting the public welfare through the retention of the architectural, historical, cultural and aesthetic heritage of the Town. The intent of this bylaw is to encourage owners, and others, to preserve, rehabilitate and restore significant buildings or structures rather than demolishing them.

Section 2 Definitions

For the purpose of this bylaw, the following words and phrases shall have the following meanings:

- A. Applicant: The party that seeks permission to alter a regulated structure.
- B. Building: A structure designed for the shelter or housing of persons, animals, chattels, business uses or property of any kind.
- C. Commission: The Natick Historical Commission.
- D. Demolition: Any act of pulling down, destroying, or razing a structure, or any part or attached portion thereof.
- E. Permit: The document issued by the Inspector of Buildings as required by the State Building Code for the demolition or relocation or a regulated building or structure.
- F. Historically Significant Building or Structure: Any regulated building or structure which is (1) associated with one or more historic persons or events or with the architectural, cultural, economic, political or social history of the Town of Natick, the Commonwealth of Massachusetts, and/or the United States of America; or (2) is historically or architecturally important by reason of type, period, style and method of building construction, or represents the work of a particular architect or builder, either by itself or in the context of a group of buildings or structures.
- G. Inspector: The Natick Inspector of Buildings.

- H. Preferably Preserved Historically Significant Building or Structure: Any regulated building or structure which, at a Public Hearing, is determined by the Commission to be worthy of preservation.
- I. Relocation or Removal: To transfer a structure from its existing location.
- J. Structure: Any combination of materials assembled or constructed in or on the ground.

Section 3 Regulated Buildings and Structures

The provisions of this bylaw shall apply only to the following buildings and structures:

- A. Any building or structure listed on, or which is subject of a pending application for inclusion on, the National Register of Historic Places or the Massachusetts State Register of Historic Places; or
- B. Any building or structure included in the Inventory of the Historic and Prehistoric assets of the Commonwealth. Further nominations to said inventory shall occur only after notice to the assessed owner of the building or structure and a public hearing on said proposed nomination.
- C. The Commission shall, after the adoption of this bylaw, prepare and file with the Inspector and the Town Clerk of Natick a list of regulated buildings and structures which list as amended, from time to time, may be relied upon by the Inspector in determining which structures are regulated.
- D. The provisions of this bylaw shall not apply to any building or structure located in a local historical district subject to regulation under the provisions of General Laws Chapter 40C.

Section 4 Prohibition

No permit for the demolition or relocation of any building or structure regulated under this section shall be issued other than in conformity with the provisions of this bylaw.

Section 5 Procedures

- A. Upon receipt of an application for a permit to demolish or relocate a building or structure that is regulated by this bylaw the Inspector shall forward a copy of same to the Commission and the Planning Director of the Town. The Inspector is encouraged to submit said copy as quickly as possible by hand delivery or electronic transmission to the chairperson or contact person established by the Commission.

B. Within ten (10) business days from receipt by the Commission of a copy of such application the Commission shall make a preliminary determination of whether or not the building or structure is a regulated building or structure and if the Commission determines that the building or structure is regulated by this by-law, the Commission shall also preliminarily determine within the same ten (10) business days whether or not the building or structure may be a Historically Significant Building or Structure.

C. If the Commission determines that the building or structure is not regulated by this by-law, or is not Historically Significant, the permit application shall be signed as approved by the Commission and returned to the Inspector. Upon receipt of same, the Inspector may, subject to the requirements of the building code and other applicable laws, issue such permit.

D. If the Inspector does not receive the opinion of the Commission in regard to these preliminary determinations within ten (10) business days of the date of the receipt of the application by the Commission, then, the Inspector may grant the permit applied for.

E. If the Commission preliminarily determines that the building or structure may be a Historically Significant Building or Structure as defined in Section II F hereof, the Commission shall review the application for such permit at a public hearing to be held within twenty (20) business days of determination that the subject building or structure may be a Historically Significant Building or structure. The Commission shall cause to be published in a newspaper of local circulation notice of the date and place of such public hearing. Such notice shall specify the address of the subject building or structure, and shall be published in said newspaper once during the two weeks preceding the date of such public hearing. All estimated expenses of publication, posting and mailing shall be reimbursed to the Commission by the applicant at the time of the hearing.

F. No less than five (5) business days before the public hearing the applicant for such permit shall submit to the Commission the following in triplicate:

1. A plan showing the location of the building or structure;
2. Photographs of all street facade elevations;
3. A thorough and detailed description of any intended construction with copies of site plans, building plans and elevation drawings;
4. The reasons for the proposed demolition or relocation and data supporting said reason;
5. A brief description of the proposed reuse of the premises.

G. Notice of a hearing or determination provided for in this bylaw shall be sent by the Commission to the assessed owner of record, the applicant for the demolition permit (if different from owner of record), the Inspector and to such other persons and organizations in such manner as the Commission may determine appropriate. The Commission may require that the applicant post and maintain on the building which is the subject of an application governed by this bylaw a notice, in a form designated by the Commission, visible from the nearest public way, of any public hearing on the subject matter or such application; and applicant shall comply with such requirement.

H. After said public hearing the Commission shall, within ten (10) business days, determine whether or not the subject building or structure is a Preferably Preserved Building or Structure and notify in writing, the applicant and the Inspector of its determination stating the reasons for such decision.

I. If the determination is that the subject building or structure is Preferably Preserved, the Inspector shall not issue a permit for a period of six (6) months from the date of such determination, unless the Commission informs the Inspector in writing prior to the expiration of the six (6) month period that:

1. The Commission is satisfied that the applicant has made a bonafide, reasonable, and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, move, rehabilitate or restore the building or structure; or
2. The applicant has agreed to accept such permit subject to conditions approved by the commission.

Section 6 Emergency Demolition

Nothing in this bylaw shall be deemed inconsistent with the procedures for the demolition and/or securing of buildings and structures established by General Laws Chapter 143, Sections 6-10.

Section 7 Non-compliance with Bylaw

A. The Inspector is authorized to institute any actions, in law or in equity, as he deems necessary to obtain compliance with the requirement of this bylaw in order to prevent a threatened or continuing violation thereof.

B. The Inspector shall not issue any permits pertaining to any lot or parcel upon which such non-compliances occurred for a period of two (2) years from the date of such violation and notice of such moratorium shall be recorded by the Inspector at the Registry of Deeds on a form to be supplied by the Commission.

Section 8 Right of Appeal

Any person aggrieved by a determination of the Commission may, within twenty (20) days after filing of the notice of such determination with the Inspector, appeal to the Superior Court for Middlesex County. The Court shall hear all pertinent evidence and may annul the determination of the Commission or may remand the case for further action by the Commission or make such other decree as justice and equity shall require.

Section 9 Severability

In case any section, paragraph or part of this bylaw is declared invalid or unconstitutional by a court of competent jurisdiction, every other section, paragraph and part shall continue in full force and effect.

ARTICLE 77

WATER AND SEWER RATE DISCOUNT PROGRAM

Section 1 Purpose, Applicability

The Selectmen shall determine the percentage of discount to be applied to the Water and Sewer Rate charges of certain persons age seventy or over who own and occupy the dwelling receiving water and sewer services.

Section 2 Qualifications, Basic Requirements

The Board of Assessors shall annually certify a list of qualified persons who meet the criteria for assets and income established for real estate tax exemptions under Clauses 17D and 41C of Section 5 of Chapter 59 of the Massachusetts General Laws. The discount shall apply to those bills issued in the name of such person during the term of such certification. In the event that a person certified hereunder sells the dwelling such certification shall terminate as of the date of the sale.

Section 3 Determination of Eligibility, Certification

Water and sewer users who own and inhabit dwellings and choose to apply for such tax exemption and are approved by the Board of Assessors shall be certified as eligible for this discount program. The certification by the Board of Assessors shall continue until the date which is the statutory deadline for application for such tax exemption for the next successive tax year.

Section 4 Alternate Application Procedure, Duration

Water and sewer users who own and inhabit dwellings who qualify for such tax exemption, but for whatever reason, choose not to apply for such tax exemption may apply to the Board of Assessors for eligibility certification. The Board of Assessors shall provide forms for application and shall within thirty (30) days determine whether such applicant is eligible. The effective date of certification shall be the approval date by the Board of Assessors and shall continue for a period of up to one year; provided however, that all such certifications shall terminate on June 30 of each year.

Section 5 Issuance of Discount

Whenever the Board of Assessors certify that a water and sewer user is eligible for this discount program, the Board shall forthwith so notify the Water and Sewer Division. Upon receipt of the notice the Water and Sewer Division shall take the necessary steps to reduce the bills issued to such water and sewer user.

ARTICLE 78

REMOVAL OF OVERHEAD WIRES

Section 1 Authority

This by-law is adopted to implement a program proposed by the Planning Board to advance the public safety, health, convenience and welfare, pursuant to G.L. Chapter 166, Sections 22A through 22N, by prohibiting new installation or construction or upgrading or replacement of poles, overhead wires and associated overhead structures upon, along or across any public way or ways within the area of Natick designated in Section 7.1 and 7.2 of this by-law, and by requiring the removal of utility poles, overhead wires and associated overhead structures which are located upon, along or across any public way or ways within the area of Natick designated in Section 7 below.

Section 2 Definitions

The following terms shall have the meaning set forth in Chapter 166, Section 22A of the Massachusetts General Laws.

- a. Person
- b. Poles and overhead wires and associated overhead structures.
- c. Utility

Section 3 Program Requirements

- a. No utility shall be permitted to install, construct, upgrade or replace any poles and overhead wires and associated overhead structures upon, along or across any public way or ways located within the area of Natick designated in Section 7.1 and 7.2 of this by-law.
- b. Each utility shall remove its poles and overhead wires and associated overhead structures which are located upon, along or across any public way or ways located within the area of Natick designated in Section 7.1 and 7.2 of this by-law.
- c. Subject to Section 6 of this by-law, each utility with poles or overhead wires or associated overhead structures subject to the removal requirements of this by-law as originally approved shall comply with the removal provisions of this by-law within 180 days of the effective date of this by-law. Each utility with poles or overhead wires or associated overhead structures which become subject to the removal requirements of this by-law by virtue of an amendment to this by-law, shall comply with said removal requirements within 180 days of the effective date of said amendment to this by-law.

- d. The Planning Board may from time to time establish design standards and criteria for implementation of the program for removal of overhead wires.

Section 4 Underground Construction; Customer Service Facilities

All underground construction and conduits, conductors and associated equipment necessary to receive utility service between the utility’s service facilities referred to in G. L. Chapter 166, Section 22H and the service facilities in the building or structure being serviced, shall be deemed to be “customer’s service facilities”. Any utility in providing underground replacement facilities for any poles and overhead wires and associated overhead structures located upon, along, or across any public ways in accordance with this Article 78, within those parts of Town specified in Section 7 hereof, shall install customer’s service facilities as defined in this Section 4.

Section 5 Emergency Erection of Overhead Poles, Overhead Wires and Associated Overhead Structures

Notwithstanding the provisions of this by-law the Board of Selectmen may grant special permission, for such period and on such terms as it may deem appropriate, in case of emergency or unusual circumstances, without discrimination as to any person or utility to erect, construct, install, maintain, use or operate poles and overhead wires and associated overhead structures. No person shall be deemed to have violated this by-law for doing any act authorized by any such special permission.

Section 6 Cooperation Agreements

Pursuant to G.L. Chapter 166, Section 22E the Town of Natick may enter into, amend and perform cooperation agreements with a utility by which the utility shall pay money to the Town of Natick and the Town of Natick may expend some or all of such money to remove or cause to be removed any poles and overhead wires and associated overhead structures of such utility’s service, to replace the same (or cause them to be replaced) with underground facilities.

Section 7

7.1 Prohibition of New Installation or Construction of Overhead Poles and Overhead Wires and Associated Overhead Structures

The new installation or construction of overhead poles and overhead wires and associated structures located within the town of Natick is prohibited

7.2 Designated Parts of Town for Removal of Overhead Poles and Overhead Wires and Associated Overhead Structures

Subject to Section 6 of this by-law, all overhead poles and overhead wires and associated overhead structures in place on or before January 1, 2008 located within the Town of Natick shall be included in the program for removal of overhead wires.

The following areas of the Town of Natick shall be included in the program for removal of overhead wires:

- a. Upon, along or across a portion of Clarendon Street and Hayes Street and East Central Street from the western boundary of Clarendon Street to the eastern boundary of Mulligan Street, all as shown on a plan on file in Community Development Department office.

Section 8 Cost of Compliance

The increased cost to a utility of providing service due to adoption of this by-law shall be charged to ratepayers as permitted by the Massachusetts Department of Public Utilities.

Section 9 Penalties

- a. Any person who violates Section 3a of this by-law shall be punished by a fine of not less than one thousand dollars and no more than five thousand dollars.
- b. Any person who violates Sections 3b, 3c or 3d of this by-law shall be punished by a fine of not less than one thousand dollars and not more than five thousand dollars for each consecutive fifteen day period during which said violation continues.

ARTICLE 78A

PROMPT REMOVAL OF UTILITY POLES

Consistent with the provisions of Section 34B of Chapter 164 of the Massachusetts General Laws, an electric distribution company or telephone company engaging in the removal of an existing pole and the installation of a new pole in place thereof shall complete the transfer of wires, all repairs and the removal of the existing pole from the site within ninety days from the date of installation of the new pole or within ninety days from the effective date of this by-law, whichever is later; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, said company shall be required to remove such pole within six months from the date of installation of the new pole. The owner of such pole shall notify all other users of the starting date of such removal and installation work at least forty-eight hours prior to the commencement of such work, and said owner shall require all other users to remove their wiring and other attachments from the poles in a timely manner.

For purposes of this provision the term “owner” shall mean the entity which holds legal title to the pole or which holds a majority interest in legal title to the pole.

Violations of the terms of this by-law shall be punishable by a penalty of one hundred dollars (\$100.00) for each pole for each day of violation. This by-law may be enforced by a non-criminal disposition pursuant to Chapter 40, Section 21D of the Massachusetts General Laws by any police officer, the Inspector of Buildings or the Director of Public Works of the Town.

ARTICLE 79

WETLANDS PROTECTION

Section 1 Purpose and Intent

The Purpose of this by-law is to preserve and exercise jurisdiction over the Protected Resource Areas, as defined below, and adjoining land areas in the Town by means of the regulation and control of activities deemed by the Conservation Commission (the “Commission”) as likely to have significant or cumulative adverse effect on any or all Resource Area Values, which include, without limitation: the protection of public and private water supply; the protection of groundwater supply; the prevention and control of flooding, erosion and sedimentation; the prevention of storm damage; the prevention and control of pollution; the protection of fisheries; the protection of water quality, agriculture and aquaculture; the protection of wildlife, wildlife habitat and Rare Species habitat including rare plant species; and the protection and promotion of aesthetic values, recreation values, education values, and similar concerns. This by-law is intended to use the authority of the Town, under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, to protect additional resource areas, independent of, and to provide more stringent protection by the Commission than that provided by Section 40 of Chapter 131 of the General Laws, (the “Wetlands Protection Act”) and the regulations issued thereunder, 310 CMR 10.00 (the “Wetlands Protection Regulations”).

Section 2 Definitions

The definition of certain words used in the interpretation and implementation of this by-law follow. Terms used herein and not defined below, or elsewhere in this by-law, or in the Rules and Regulations adopted by the Commission, shall be defined as provided in Section 200 of the Natick Zoning Bylaws, and if not defined in said Section 200, shall be defined as provided in the Wetlands Protection Act and the Wetlands Protection Regulations.

Alter/Alteration. This term includes, without limitation, the following activities when undertaken to, upon, within or affecting Protected Resource Areas and associated Buffer Zones:

Removal, excavation, or dredging of soil, sand, gravel, or aggregate materials of any kind.

Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, pollution distribution, sedimentation patterns, flow patterns, or flood retention characteristics.

Drainage, or other disturbance of water level or water table.

Dumping, discharging, or filling with any material which may degrade water quality.

Placing of fill, or removal of material, that would change elevation.

Driving of piles, or placement, erection, or exterior repair of Structures.

Placing of obstructions or objects in water

Destruction of plant life including cutting of trees

Changing temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of any waters.

Any activities, changes, or work which may cause or tend to contribute to pollution of any body of water or groundwater.

Bank. 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.

Buffer Zone. Lands within 100 feet of any Protected Resource Area except floodplain land and Riverfront Area.

No Build Zone. Lands within 15 feet of any No Disturbance Zone.

No Disturbance Zone. Lands within 25 feet of any Protected Resource Area except floodplain and Riverfront Area.

Protected Resource Area. (1) any bank, beach, dune, flat, marsh, swamp, wet meadow: bog, or other freshwater wetland (as defined in the Wetlands Protection Act and as determined by vegetational community, soil composition or hydrologic regime) that borders a water body, to include a creek, river, perennial stream, intermittent stream, pond, lake, or reservoir; (2) land under any of the water bodies listed above; (3) vernal pool; (4) Riverfront Area; (5) floodplain; or (6) land subject to flooding or inundation by groundwater, surface water, or storm flow, including isolated vegetated wetlands.

Rare Species. All vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, or any successor organization, regardless of whether the site in which they occur has been previously identified by the Massachusetts Division of Fisheries and Wildlife.

Riverfront Area. As defined in the Wetlands Protection Regulations, as amended.

Structure. A combination of materials assembled at a fixed location to give support or shelter such as a building, house, barn, garage, or shed. The word "Structure" shall be construed, where the context requires, as though followed by the words "or part or parts thereof". However, in reference to the No Build Zone, "Structure" shall not include fences,

retaining walls, decks, patios, gazebos, lawn furniture, children's toys such as sandboxes and swing-sets, rip-rapped areas, driveways, parking areas, or the like.

Vernal Pool. This term includes all areas defined as vernal pool habitat under the Wetlands Protection Act and Wetlands Protection Regulations and all areas within the mean annual high water level of any confined basin or depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, is free of adult fish populations and provides breeding, rearing or other habitat functions for amphibians, reptiles or other vernal pool community species and the site has been certified or is certifiable by the Massachusetts Division of Fisheries and Wildlife, or any successor organization.

Section 3 Activities Requiring Approval

Except as otherwise provided hereunder, no person shall Alter any Protected Resource Area or the Buffer Zone thereof (hereafter, "Regulated Activity"), without first having received and complied with a permit issued pursuant to this by-law. Such permit shall be in the form of an Order of Conditions issued by the Commission in accordance with its Rules and Regulations.

Section 4 Exceptions

The application and permit required by this by-law shall not be required for the following activities, subject to the conditions provided below.

4.1 **Emergency Projects** - Projects necessary for the protection of the health and safety of the public, provided that:

the work that is to be performed has been ordered to be so performed by an agency of the Commonwealth or a political subdivision thereof;

advanced written notice has been given to the Commission prior to the commencement of the work. Notwithstanding the above exception, within 21 days of commencement of any emergency project a permit application shall be filed with the Commission for review as provided in this by-law; and

the Commission or its agent certifies the work as an emergency project, or fails to act within 10 business days after receiving written notice thereof.

The work to be performed shall be limited as to the time and place certified by the Commission and for the limited purposes necessary to abate the emergency. Notwithstanding the above exception, within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided in this by-law. If any of the conditions specified above are not met, or if any of the conditions contained in any determination of the Commission regarding such project are not fulfilled, the Commission may, after notice and a public hearing, revoke or modify any determination or order it has issued regarding an emergency project, and/or may order restoration and mitigation measures to be performed.

4.2 **Public Service Structures and Facilities** - Maintenance, repair or replacement, without substantial change or enlargement, of existing and lawfully located structures or facilities used in the service of the public and used to provide electric, gas, water, storm drainage, sewer, telephone or other telecommunication services to the public, provided that written notice has been given to the Commission prior to commencement of work and provided that the work conforms to the Rules and Regulations of the Commission, including any performance standards and design specifications.

4.3 **Public Ways** - Maintenance and repair of existing public ways, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to the Rules and Regulations of the Commission, including any applicable performance standards and design specifications.

Section 5 Procedure and Fees

5.1 **Applications** - All applications to perform Regulated Activities shall be in the form of a written Request for Determination of Applicability (“RDA”), a Notice of Intent (“NOI”), or both, as applicable, and shall be filed with the Commission pursuant to its Rules and Regulations. Any person desiring to know whether or not a proposed activity or an area is subject to this by-law may file a RDA with the Commission, including information and plans as are deemed necessary by the Commission. All permit applications (i.e., “Notices of Intent”) shall include such information and plans as are deemed necessary by the Commission to describe the proposed Regulated Activities and their effects on Resource Area Values.

5.2 **Filing Fees** - The Rules and Regulations of the Commission adopted hereunder shall require the payment of a fee at the time of filing a RDA, NOI, permit application and Certificate of Compliance. Such fee shall be in addition to that required by the Wetlands Protection Act. The filing fees collected hereunder shall be deposited in a dedicated account, for use only for wetland protection activities, from which the Commission may withdraw funds without further appropriation.

5.3 **Consultant Fees** - The Commission, at the commencement of its process hereunder, or at any time during a hearing may require an applicant to pay a fee for the reasonable costs and expenses incurred or to be incurred by the Commission for specific expert engineering and other consultant services that the Commission deems are necessary to enable it to reach a final decision on the application. The exercise of discretion by the Commission in determining whether to require the payment of fees shall be based on a reasonable finding that additional information acquirable only through outside consultants is necessary for the making of an informed, objective decision. The specific consultant services may include, but are not limited to, performing or verifying the accuracy of Protected Resource Area survey and delineation; analyzing Protected Resource Area functions and values, including wildlife habitat evaluations, hydrogeologic and drainage analysis; and researching environmental, land use or other law. Any applicant aggrieved by the imposition of, or the size of, the consultant fees, or any act related thereto, may appeal according to the provisions of the Mass. Gen. Laws.

5.4 **Waiver of Fees** - The Commission may waive the filing fees, and costs and expenses for a RDA, NOI, or permit application filed by a government agency.

5.5 **Notice** - The Rules and Regulations of the Commission adopted hereunder shall provide notice requirements for public hearings of the Commission and for applications to perform Regulated Activities, including the timing and contents of such notices.

5.6 **Hearing and Burden of Proof** - The Commission shall commence the public hearing within 21 days from receipt of a completed RDA or NOI unless the applicant authorizes an extension in writing. In an appropriate case, the Commission may combine its hearing under this by-law with the hearing conducted under the Wetlands Protection Act and Wetlands Protection Regulations. The public hearing may be continued upon the request of the Applicant, or upon vote of the Commission, until such time that the Commission is satisfied that it has received sufficient evidence concerning all issues raised during the hearing to enable it to render a decision upon the application. To receive the approval of the Commission to conduct a Regulated Activity the applicant must establish by a preponderance of the evidence submitted during the hearing that the proposed Regulated Activity and any proposed mitigation will not have a significant or cumulative adverse effect on Resource Area Values.

5.7 **Decisions** - The Commission shall issue a written decision within 21 days of the close of the public hearing, unless an extension is authorized in writing by the applicant. In rendering its decision the Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of Protected Resource Areas throughout the Town and the watershed, resulting from past activities, permitted and exempt activities, and foreseeable future activities. The Commission may issue a permit to conduct the Regulated Activity with such conditions as it deems are necessary or desirable to insure that the proposed Regulated Activity will not have a significant or cumulative adverse effect on Resource Area Values. Alternatively, the Commission may deny a permit for the proposed Regulated Activity, stating in reasonable detail the reasons for its denial.

5.8 **Permits** - No work proposed in any Notice of Intent shall be undertaken until the Order of Conditions issued by the Commission with respect to such work has been recorded in the registry of deeds or land court, and until the permit holder submits evidence of such recording to the Commission. A permit shall expire three years from the date of issuance, however, where recurring or continuous maintenance work is required, the Commission may issue a permit expiring five years from the date of issuance. Any permit may be renewed for periods of up to three years, provided that a request for renewal of the permit is received in writing by the Commission at least thirty (30) days prior to its expiration, and further provided that all requirements provided in the Rules and Regulations of the Commission are met. Notwithstanding the foregoing, the 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 including successors. For good cause, the Commission may revoke or modify a permit by following the procedure set forth above in connection of the initial issuance of such permit.

Section 6 Policies and Conditions

6.1 **Wetlands Replication** - To prevent wetlands loss, the Commission shall require applicants to avoid wetlands Alteration wherever feasible, to minimize wetlands Alteration where the Commission determines that Alteration is necessary; and, where Alteration is unavoidable, the Commission shall require mitigation in the form of replication of not less than the amount of wetlands permitted to be Altered and not more than twice such amount; said amount of replication to be determined by the Commission in accordance with its Rules and Regulations. The construction of replication shall be designed and monitored by a registered engineer or a professional wetlands scientist, and adequate security shall be provided, in accordance with the provisions of Section 8, to insure the proper construction of replication.

6.2 **No Disturbance and No Build Zones** - No Alteration shall occur within a No Disturbance Zone, unless otherwise provided in a permit issued under this by-law. Lands within a No Build Zone may be cleared of vegetation to the extent necessary to construct a permitted Structure located outside of such No Build Zone and the adjacent No Disturbance Zone; provided however that once such Structure is completed, no further Alteration, other than the growing of vegetation, shall occur in the No Build Zone. The Commission may require, as a condition of a permit issued hereunder, that deeds conveying any portion of the previously cleared No Build Zone contain a restriction running in perpetuity preventing any further Alteration in such No Build Zone upon completion of such nearby construction.

6.3 **Vernal pools** - No Alteration shall occur within the 100-foot Buffer Zone of a Vernal Pool unless otherwise provided in a permit issued under this by-law, and except as provided in Section 13.6.

Section 7 Rules and Regulations

After public notice and public hearing, the Commission shall adopt rules and regulations to carry out the purpose and intent of this by-law (the “Rules and Regulations”). The Rules and Regulations shall include procedures to conduct hearings, issue, deny, revoke and/or modify permits and to appeal, and shall also provide guidance generally to persons seeking to conduct a Regulated Activity. Such Rules and Regulations may also provide, as the Commission deems necessary, additional definitions and procedures not inconsistent with this by-law and a schedule of fees to be charged, which may be based on estimated project cost including, but not limited to, building construction, site preparation, landscaping, and all site improvements. Such Rules and Regulations shall become effective when voted by the Commission and filed with the Town Clerk. Failure by the Commission to promulgate such Rules and Regulations, or a final unappealable decision by a court of the invalidity of any part of such Rules and Regulations, shall not act to suspend or invalidate the effect of this by-law other than in accordance with such decision.

Section 8 Security

The Commission may require, in addition to any security required by any other municipal or state agency, that the performance and observance of the conditions imposed under a permit issued under this by-law, including conditions requiring mitigation work, be secured wholly or in part by one or more of the methods described below, or combinations thereof:

8.1 **Surety** - 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.

8.2 **Restrictions** - By a conservation restriction, easement, or other covenant executed and duly recorded by the owner of record, running with the land to the benefit of the Town whereby the permit conditions shall be performed and observed by all owners, including successors.

Section 9 Enforcement

Upon receipt of a RDA or NOI, the Commission or its agents 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 sampling as the Commission deems necessary. The Commission shall have the authority to enforce this by-law and its Rules and Regulations, and the Commission, any member thereof, or its agent, may issue citations under the non-criminal disposition procedure set forth in Section 21D of Chapter 40 of the General Laws, which has been adopted by the Town in Article 92 of the Natick By-Laws, and by 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.

Section 10 Appeals

Any decision of the Commission shall be reviewable in the Superior Court in accordance with Section 4 of Chapter 249 of the General Laws.

Section 11 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 a permit or determination, which previously has been issued. In the event any section or provision of this by-law is declared invalid by a court of law, such section or provision shall nevertheless remain valid and in effect to the fullest possible extent under the law.

Section 12 Transition

The provisions of this this by-law shall not apply to:

That work for which a Notice of Intent has been filed with, or an Order of Conditions has been obtained from, the Commission at the time of the effective date of this by-law, but such work has not yet been commenced or completed, so long as such Order of Conditions issued for such work remains valid, unexpired and unmodified; and

The initial Notice of Intent filing for construction on an individual lot that is part of the development for which an Order of Conditions has been obtained from the Commission at the time of the effective date of this by-law but has not yet been commenced or completed, so long as the Order of Conditions remains valid, unexpired and unmodified, and provided further that the proposed work is, in the determination of the Commission, consistent with and not an expansion of the previously approved development.

Section 13 Nonconforming Uses

13.1 **Continuation** - The lawful use of any Structure or land in the areas which may be regulated by the Commission under this by-law existing at the time of the enactment or subsequent amendment of this by-law may be continued, although such Structure or use did not conform with the provisions of this by-law as adopted or amended.

13.2 **Extension** - No increase in the extent of the nonconforming use of a Structure or land in areas which may be regulated by the Commission under this by-law may be made beyond the limits of the property owned at the time of enactment or subsequent amendment of this by-law, without applying for and receiving an Order of Conditions to permit such increase. Pre-existing, nonconforming Structures or uses in the areas which may be regulated by the Commission under this by-law, may be extended or altered, provided, that no such extension or Alteration shall be permitted unless there is a finding by the Commission that such extension or Alteration is not substantially more detrimental than the existing nonconforming use to Protected Resource Areas.

13.3 **Abandonment** - A nonconforming use in the areas which may be regulated by the Commission under this by-law that has been abandoned or not used for a period of two years shall not be re-established and any future use shall conform with this by-law.

13.4 **Changes** - Once changed to a conforming use in the areas which may be regulated by the Commission under this bylaw, no Structure or land shall be permitted to revert to a nonconforming use.

13.5 **No Disturbance and No Build Zones** - Where a prior existing Structure protrudes into, or a prior existing Alteration exists in, a No Disturbance Zone or No Build Zone, the Commission may permit the extension of such non-conforming Structure into, or further Alteration in, such zones, in accordance with its Rules and Regulations.

13.6 **Vernal Pools** - Where a prior existing Structure protrudes into, or a prior existing Alteration exists within the 100-foot Buffer Zone of a Vernal Pool, the Commission may permit the extension of such non-conforming Structure into, or further Alteration within the 100-foot Buffer Zone of a Vernal Pool, in accordance with its Rules and Regulations.

ARTICLE 79A

STORMWATER MANAGEMENT AND EROSION CONTROL BY-LAW

SECTION 1. PURPOSE

A. Increased volumes of stormwater, contaminated stormwater runoff from impervious surfaces, and soil erosion and sedimentation are 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;
5. flooding; and,
6. overloading or clogging of municipal catch basins and storm drainage systems.

The United States Environmental Protection Agency has identified sedimentation from land disturbance activities and polluted stormwater runoff from land development and redevelopment as major sources of water pollution, impacting drinking water supplies, natural habitats, and recreational resources. Regulation of activities that result in the disturbance of land and the creation of stormwater runoff is necessary for the protection of the water bodies and groundwater resources within the Town of Natick, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town.

B. The objectives of this By-Law are to:

1. protect water resources;
2. require practices that eliminate soil erosion and sedimentation;
3. control the volume and rate of stormwater runoff resulting from land disturbance activities in order to minimize potential impacts of flooding;
4. require practices to manage and treat stormwater runoff generated from new development and redevelopment;
5. protect groundwater and surface water from degradation;
6. promote infiltration and the recharge of groundwater;
7. maximize recharge of groundwater in the Natick Aquifer Protection District as defined by Section III-A.5 of the Natick Zoning By-Law;
8. prevent pollutants from entering the municipal storm drain system;
9. ensure that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into the site planning and design process and are implemented and maintained;

10. ensure adequate long-term operation and maintenance of structural stormwater best management practices;
11. require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites that may cause adverse impacts to water quality;
12. comply with state and federal statutes and regulations relating to stormwater discharges; and
13. establish the Town of Natick's legal authority to ensure compliance with the provisions of this By-Law through inspection, monitoring and enforcement.

SECTION 2. DEFINITIONS

For the purposes of this By-Law, the following shall mean:

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

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

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

APPLICANT: Any "person" as defined below requesting a soil erosion and sediment control permit for proposed land-disturbance activity.

AUTHORIZED ENFORCEMENT AGENCY: Conservation Commission and 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 of or improve the quality of stormwater runoff.

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. Clearing activities generally include grubbing activity as defined below.

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

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

ENVIRONMENTAL SITE MONITOR: A Registered Professional Engineer or other trained professional selected by the Conservation Commission and retained by the holder of a Minor Land Disturbance Permit or a Full Land Disturbance Permit to periodically inspect the work and report to the Conservation Commission.

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

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a registered professional engineer (PE) or a registered professional land surveyor (PLS), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbance activities.

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

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

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

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops. Impervious surface also includes soils, gravel driveways, and similar surfaces with a runoff coefficient (Rational Method) greater than 85.

LAND-DISTURBING ACTIVITY or LAND DISTURBANCE: Any activity, including without limitation: clearing, grubbing, grading, digging, cutting, excavation of soil, placement of fill, and construction that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LOT: A single parcel of land held in identical ownership throughout and defined by metes, bounds, or boundary lines in a recorded deed on a recorded plan.

MASSACHUSETTS ENDANGERED SPECIES ACT: (M.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, as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act MGL c. 131 s. 40 and the Massachusetts Clean Waters Act MGL c. 21, ss. 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 STORM DRAIN SYSTEM or MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): 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 Natick.

OPERATION AND MAINTENANCE PLAN: A plan describing 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 discernible, confined point source or discrete conveyance into waters of the Commonwealth.

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by the 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 set forth in the Massachusetts Stormwater Management Policy. 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.

PERMITTEE: The person who holds a land disturbance permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

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

POINT SOURCE: Any discernible, confined, and discrete means of 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.

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.

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

RESPONSIBLE PARTIES: owner(s), persons with financial responsibility, persons with operational responsibility, and persons with administrative responsibility.

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: Stormwater runoff, snow melt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A document containing narrative, drawings and details prepared by a registered professional engineer (PE) or a registered professional land surveyor (PLS), which includes structural and non-structural best management practices to manage and treat stormwater runoff generated from regulated development activity. A stormwater management plan also includes an Operation and Maintenance Plan describing the maintenance requirements for structural best management practices.

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

TSS: Total Suspended Solids. Material, including but not limited to trash, debris, and sand suspended in stormwater runoff.

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

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

WETLAND RESOURCE AREA: Area specified in the Massachusetts Wetlands Protection Act M.G.L. c. 131, s.40 and in the Town of Natick Wetland Protection By-law.

WETLANDS: Freshwater wetland, marsh, bog, wet meadow and swamp are defined in M.G.L. Chapter 131, Section 40, and are collectively known as vegetated wetlands. Credible evidence as to wetland affinities of other vegetation in an area shall be considered in making wetland determinations.

SECTION 3. AUTHORITY

This By-Law 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 published in the Federal Register on December 8, 1999, as amended.

SECTION 4. APPLICABILITY

This By-Law shall apply to all land-disturbing activities within the jurisdiction of the Town of Natick. Except as permitted by the Conservation Commission, or as otherwise provided in this By-Law, no person shall perform any activity that results in land disturbance of 40,000 square feet or more.

A. Regulated Activities. Regulated activities shall include, but not be limited to:

1. Land disturbance of greater than 40,000 square feet, associated with construction or reconstruction of structures.
2. Development or redevelopment involving multiple separate activities in discontinuous locations or on different schedules if the activities are part of a larger common plan of development that all together disturbs 40,000 square feet or more of land,
3. Paving or other change in surface material over an area of 40,000 square feet or more causing a significant reduction of permeability or increase in runoff,
4. Construction of a new drainage system or alteration of an existing drainage system or conveyance serving a drainage area of more than 40,000 square feet,
5. Any other activity altering the surface of an area exceeding 40,000 square feet that will, or may, result in increased stormwater runoff flowing from the property into a public way or the municipal storm drain system, OR
6. Construction or reconstruction of structures where more than 40,000 square feet of roof drainage is altered.

B. Erosion and Sedimentation Control Requirement:

A project which includes land disturbance of less than 40,000 s.f. shall be considered to be in conformance with this By-Law if soils or other eroded matter have been or will be prevented from being deposited onto adjacent properties, rights-of-ways, public storm drainage system, or wetland or watercourse. The design, installation, and maintenance of erosion and sediment control operations and facilities shall adhere to the standards specified in the Regulation to the By-Law.

- C. **Exempt Activities.** The following activities are exempt from the requirements of this By-Law:
1. Normal maintenance and improvement of land in agricultural use as defined by the Wetland Protection Act.
 2. Repair of septic systems when required by the Board of Health for the protection of public health and compliance with Section 4, Paragraph B.
 3. Normal maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling provided such maintenance does not include the addition of more than 50 cubic yards of soil material, construction of any walls, alteration of existing grades by more than one foot in elevation, or alteration of drainage patterns.
 4. The construction of fencing that will not alter existing terrain or drainage patterns.
 5. Construction of utilities other than drainage (gas, water, electric, telephone, etc.) that will not alter terrain or drainage patterns.
 6. Projects wholly within the jurisdiction of the Conservation Commission and requiring an Order of Conditions.

SECTION 5. ADMINISTRATION

The Conservation Commission shall administer, implement and enforce this By-Law. Any powers granted to or duties imposed upon the Conservation Commission through this By-Law may be delegated in writing by the Conservation Commission to its employees or agents.

SECTION 6. REGULATIONS

The Conservation Commission may adopt, and periodically amend rules and regulations to effectuate the purposes of this By-Law. Failure by the Conservation Commission to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-Law.

SECTION 7. PERMITS

Permit issuance is required prior to any activity disturbing 40,000 or more square feet of land. The site owner or his agent shall apply for the permit with the Conservation Commission. While application may be made by a representative, the permittee must be the owner of the site.

- A. **Applications:** An application shall be made to the Conservation Commission in a form and containing information as specified in this By-Law and in the Regulations adopted by the Conservation Commission and shall be accompanied by payment of the appropriate application and review fees.
- B. **Fees.** Fees shall be established by Conservation Commission to cover expenses connected with public notice, application review, and monitoring permit compliance. The fee shall be sufficient to also cover professional review. The Conservation Commission is authorized to retain a Registered Professional Engineer or other professional consultant to advise the Commission on any or all aspects of these plans. Applicants must pay review fees before the review process may begin. The applicant for a Land Disturbance Permit may be required to cover the costs of said consultant through an account established pursuant to GL. c. 44§53G.

- C. **Information Requests:** The Conservation Commission may request such additional information as is necessary to enable the Conservation Commission to determine whether the proposed land disturbance activity will protect water resources and comply with the requirements of this By-Law.
- D. **Determination of Completeness.** The Conservation Commission shall make a determination as to the completeness of the application and adequacy of the materials submitted. No review shall take place until the application has been found to be complete.
- E. **Coordination with Other Boards.**
On receipt of a complete application for a Land Disturbance Permit the Conservation Commission shall distribute one copy each to the Planning Board, Department of Public Works, Board of Health, and the Building Inspector for review and comment. Said agencies shall, in their discretion, investigate the case and report their recommendations to the Conservation Commission. The Conservation Commission shall not hold a hearing on the Land Disturbance Permit until it has received reports from said agencies or until said agencies have allowed twenty (20) days to elapse after receipt of the application materials without submission of a report thereon.
- F. **Entry.** Filing an application for a land disturbance permit grants the Conservation Commission or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with permit conditions, to the extent permitted by law.
- G. **Hearing:** Within thirty (30) days of receipt of a complete application for a Land Disturbance Permit, the Conservation Commission shall hold a public hearing and shall take final action within thirty (30) days from the close of the hearing unless such time is extended by agreement between the applicant and the Conservation Commission. Notice of the public hearing shall, at least seven (7) days prior to said hearing, be given by publication in a local paper of general circulation, and by posting. The Conservation Commission shall be responsible for publishing the notice in the local newspaper and posting the notice at the Town Hall. The Conservation Commission shall make the application available for inspection by the public during business hours at the Town of Natick Conservation Office.
- H. **Action.** The Conservation Commission may:
1. **Approve** the Application and issue a permit if it finds that the proposed plan will protect water resources and complies with the requirements of this By-Law;
 2. **Approve the Application and issue a permit with conditions**, modifications or restrictions that the Conservation Commission determines are required to ensure that the project will protect water resources and complies with the requirements of this By-Law;
or

3. **Disapprove** the application and deny a permit if it finds that the proposed plan will not protect water resources or fails to meet the objectives of and to comply with the requirements of this By-Law. If the Conservation Commission finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the Conservation Commission may disapprove the application, denying a permit.

I. **Project Changes.** The permittee, or his or her agent, must notify the agent of the Conservation Commission in writing of any change or alteration of a land-disturbing activity before the change or alteration occurs. If the agent of the Conservation Commission determines that the change or alteration is significant, based on the design requirements listed in Part II or Part III of the Regulations adopted by the Conservation Commission under this by-law, the agent of the Conservation Commission may require that an amended application or a full application be filed in accordance with this Section. If any change or alteration from the Land Disturbance Permit occurs during land disturbing activities, the agent of the Conservation Commission may require the installation of interim erosion and sedimentation control measures before approving the change or alteration.

SECTION 8. EROSION AND SEDIMENTATION CONTROL PLAN

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 standards and contain the information listed in the Regulations adopted by the Conservation Commission for administration of this By-Law.

SECTION 9. STORMWATER MANAGEMENT PLAN

The Stormwater Management 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 best management practices for the permanent management and treatment of stormwater. The Stormwater Management Plan shall contain sufficient information for the Conservation Commission 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 set forth in the Massachusetts Stormwater Management Policy and DEP Stormwater Management Handbook Volumes I and II. The Stormwater Management Plan shall fully describe the project in drawings, and narrative. The applicant shall submit such material as is required by the Regulations adopted by the Conservation Commission for the administration of this By-Law.

SECTION 10. OPERATION AND MAINTENANCE PLANS

- A. **An Operation and Maintenance Plan** (O&M Plan) for the permanent storm water management system is required at the time of application for all projects. The maintenance plan shall be designed to ensure compliance with this By-Law and that the Massachusetts Surface Water Quality Standards contained in 314 CMR 4.00 are met in all seasons and throughout the life of the system. The Operation and Maintenance plan shall include any requirements deemed necessary by the Conservation Commission to insure compliance with said plan, including without limitation a covenant. The Conservation Commission shall make the final decision of what maintenance option is appropriate in a given situation. The Conservation Commission 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. Once approved by the Conservation Commission the Operation and Maintenance Plan shall be recorded at the South Middlesex Registry of Deeds by the permittee, shall run with the land, shall remain on file with the Conservation Commission and shall be an ongoing requirement. The Operation and Maintenance Plan shall conform to the requirements listed in the Regulations adopted by the Conservation Commission for the administration of this By-Law. Stormwater management easements shall be provided by the property owner(s) in areas and as necessary to carry out the required maintenance.
- B. **Changes to Operation and Maintenance Plans**
1. The owner(s) of the stormwater management system must notify the Conservation Commission or its agent 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 Conservation Commission 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, persons with operational responsibility, and persons with administrative responsibility. Once the amended Plan is signed the Conservation Commission shall file it at the Registry of Deeds at the expense of the current owner(s).

SECTION 11. INSPECTION AND SITE SUPERVISION

- A. **Preconstruction Meeting.** Prior to clearing, excavation, construction, or any land disturbing activity requiring a permit, the applicant, the applicant's technical representative, the general contractor, pertinent subcontractors, and any person with authority to make changes to the project, shall meet with the Conservation Commission or its designated agent to review the permitted plans and proposed implementation.

- B. **Commission Inspection.** The Conservation Commission or its designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the approved plans and any conditions of approval. One copy of the approved plans and conditions of approval, signed by the Conservation Commission shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify the Agent of the Conservation Commission at least three (3) working days before each of the following events:
1. Erosion and sediment control measures are in place and stabilized;
 2. Rough Grading has been substantially completed;
 3. Final Grading has been substantially completed;
 4. Bury Inspection: prior to backfilling of any underground drainage or stormwater conveyance structures.
 5. Close of the Construction Season; and
 6. Final landscaping (permanent stabilization) and project final completion.
- C. **Permittee Inspections.** The permittee 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 control plan, and the need for maintenance or additional control measures. The permittee or his/her agent shall submit monthly reports to the Conservation Commission or designated agent in a format approved by the Conservation Commission. The Conservation Commission may require, as a condition of approval, that an Environmental Site Monitor, approved by the Conservation Commission, be retained by the applicant to conduct such inspections and prepare and submit such reports to the Conservation Commission or its designated agent.
- D. **Access Permission.** To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Conservation Commission, 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 Conservation Commission deems reasonably necessary to determine compliance with the permit.

SECTION 12. SURETY

The Conservation Commission may require the permittee 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 town counsel, and be in an amount deemed sufficient by the Conservation Commission to insure that the work will be completed in accordance with the permit. If the project is phased, the Conservation Commission may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Conservation Commission has received the final report as required by Section 13 and issued a certificate of completion.

SECTION 13. FINAL REPORTS

Upon completion of the work, the permittee shall submit a report (including certified as-built construction plans) from a Registered Professional Engineer (P.E.) or Registered Professional Land Surveyor certifying that all erosion and sedimentation control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter.

SECTION 14. ENFORCEMENT

A. The Conservation Commission or an authorized agent of the Conservation Commission 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 Conservation Commission or an authorized agent of the Conservation Commission 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 By-Law and provisions of the land-disturbance permit;
 - b. maintenance, installation or performance of additional erosion and sedimentation control measures;
 - c. monitoring, analyses, and reporting;
 - 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 Natick 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 Natick, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Conservation Commission 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 Conservation Commission 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 thereunder, shall be punished by a fine of not more than \$ 300.00 for each offense. 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 Natick may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch.. 40, §21D in which case the Conservation Commission or authorized agent shall be the enforcing person. The penalty for each violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- E. **Appeals.** All decisions or orders of the Conservation Commission 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 15. CERTIFICATE OF COMPLETION

The Conservation Commission will issue a Certificate of Completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this By-Law. The Certificate of Completion shall be recorded at the Registry of Deeds by the Owner(s).

SECTION 16. SEVERABILITY

If any provision, paragraph, sentence, or clause of this By-Law or the application thereof to any person, establishment or circumstance shall be held invalid for any reason, all other provisions shall continue in full force and effect to the extent permitted by law.

ARTICLE 80

WATER SUPPLY PROTECTION

Section 1 Authority

This by-law is adopted by the Town of Natick under its home rule powers, its police powers to protect public health and welfare and its specific authorization under Sections 21 and 21D of Chapter 40 of the General Laws.

Section 2 Purpose

The purpose of this by-law is to protect, preserve, and maintain the public health, safety and welfare whenever there is in force a state of water supply emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection and included in the Town's plan approved by the Department of Environmental Protection to abate the emergency.

Section 3 Definitions

For the purpose of this by-law:

Enforcement authority shall mean the Town's Board of Selectmen or its designee, or other Department or Board having responsibility for the operation and maintenance of the water supply, the Health Department, the Town police, special police, and any other locally designated body having police powers.

State of water supply emergency shall mean a state of water supply emergency declared by the Department of Environmental Protection pursuant to Chapter 21G and Section 160 of Chapter 111 of the General Laws.

Section 4

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

Following notification by the Town of the existence of a state of water supply emergency, no person shall violate any provision, condition, requirement or restriction included in a plan approved by the Department of Environmental Protection which has as its purpose the abatement of a water supply emergency.

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

Section 5 Penalty

Any person or entity who violates this by-law shall be liable to the Town in the amount of \$50.00 for the first violation and \$100.00 for each subsequent violation which shall inure to the Town for such uses as the Board of Selectmen may direct. Fines shall be recovered by complaint before the District Court or by noncriminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. Each separate instance of noncompliance following issuance of any warning or citation pursuant to this section shall constitute a separate violation.

Section 6 Severability

The invalidity of any portion or provisions of this by-law shall not invalidate any other portion, provision or section hereof.

ARTICLE 81

CHEMICAL STORAGE TANKS AND SYSTEMS

Section 1 Purpose

a. The purpose of this By-Law is to protect the public health, groundwater and surface water of the Town from contamination with liquid fuels, chemicals or hazardous materials from leaking underground fuel or chemical storage tanks and systems.

Section 2 Applicability

- a. This By-Law shall apply to all underground fuel or chemical storage tanks and systems.
- b. Storage systems in service at the time of the approval of this By-Law shall be brought into compliance with the terms of this By-Law within ninety days of its approval.

Section 3 Administrative and Enforcement Agent

- a. The administrative and enforcement agent of the provisions of this By-Law shall be the Board of Health. Approval of this By-Law shall not be deemed a waiver of the rights of any other Town entity, including, but not limited to: Public Works Department, Fire Department, Building Department, Conservation Commission or other Town entities having concurrent jurisdiction or licensing authority.
- b. The provisions of this By-Law are not intended to relieve compliance with any applicable state or federal law or regulation.

Section 4 Definitions

For the purpose of this By-Law, the following terms shall have the following meanings:

C.M.R. shall mean the Code of Massachusetts Regulations.

Hazardous material shall mean material, including but limited to, any material, in whatever form, 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, when improperly stored, treated, transported, disposed of, used, or otherwise managed.

Owner shall mean every person who alone or severally with others

- (1) has legal title to any property on which is located an underground fuel or chemical storage tank and system subject to this By-Law; or
- (2) has care, charge or control of any such property, in any capacity including without limitation agent executor, administrator, trustee or guardian of the estate of the holder of legal title, or agent, trustee or a person appointed by a court of competent jurisdiction; or
- (3) is a mortgagee in possession of such property. Each such person is bound to comply with the provisions of this By-Law as if he were an owner.

Person shall mean every individual, partnership, corporation, firm, association, group or entity owning property or carrying on an activity regulated by this By-Law.

Underground tank shall mean any fuel storage or chemical storage containment system, the top of which is located below the ground.

Where applicable, other terms used in this By-Law are as defined in 527 C.M.R., Sections 5 and 9 of the Massachusetts Board of Fire Prevention Regulations.

Section 5 Tank Regulations

a. Every owner of an underground fuel or chemical storage tank and system shall file with the Board of Health, the size, type, age and location of each tank and/or system and the type of material stored, on or before ninety days after the approval of this By-Law.

(1) Thereafter, every owner of a tank and system installation shall comply with the provisions of Section 5A, hereof on or before January 1st of each succeeding year.

b. Owners of tanks for which evidence of installation date is not available shall at the order of the Board of Health have such tanks or systems tested or uncovered for inspection.

(1) Tanks or systems which fail to meet the test standards set forth in Section 9 below or are not air tight shall be removed.

Section 6 Inventory Control

a. Every underground storage tank and system shall have a method of accurately gauging the volume contained in the tank and a method of accurately metering the quantity of product removed during service. The metering device shall at all times be properly maintained in accurate calibration.

b. For tanks containing fuel, chemical or hazardous material for resale accurate daily inventories and records thereof shall be based on actual daily measurement and recording of actual sales, use and receipts of tank products and water levels as required by Massachusetts Fire Prevention Regulations 527 C.M.R. 5.05 (3).

(1) Inventory records shall include a daily computation of gain or loss.

(2) Recording of pump meter readings and product delivery shall not constitute adequate inventory records for the purposes of this By-Law.

c. For all tanks containing fuel, chemical or hazardous material not for re-sale a quarterly inventory and reconciliation is required. Such reconciliation shall include records of delivery, volume contained in the tank and flow through the metering device.

d. The owner and operator shall participate in a program of regularly scheduled inventory verification, said method to be determined by the Board of Health as follows:

(1) For systems for which less than 25,000 gallons per month of product is used or sold, annually.

(2) For systems from which 25,000-100,000 gallons per month of product is used or sold, semi-annually.

(3) For systems from which more than 100,000 gallons per month is used or sold, quarterly.

e. Owners shall submit annually to the Board of Health a certified statement that inventory records have been maintained and reconciled as required in subsection b, c and d of Section 6 and such records shall be made available to the Board of Health upon its request. Inventory verification of tanks shall be performed annually by a certified auditor or other independent qualified person approved by the Board of Health.

Section 7 Report of Leaks and Spills

a. Any owner or operator or his agent who is aware of a spill or abnormal loss of product stored shall report such spill or loss immediately to the head of the Fire Department and within two hours of leak detection to the Board of Health.

b. All leaking tanks must be emptied within twenty-four hours of leak detection and either repaired or removed within a time specified by the Board of Health and under the direction of the Fire Department.

c. Service companies shall report to tank owners and the Board of Health any unexplained increase in consumption of heating fuel, other fuel, chemicals or hazardous materials.

Section 8 New or Replacement Tank Selection and Installation

a. All tanks installed after the effective date of the By-Law shall be approved design and protected from internal and external corrosion.

All tanks shall be made of the following materials:

(1) All fiberglass construction (equipped with a striker plate); steel with bonded fiberglass or enamel coating and noncorrosive lining; the Steel Tank Institute 3-Way Protective System; any other system which can be shown to provide equivalent protection at the discretion of the Board of Health.

(2) All other underground storage of chemicals, or hazardous materials other than gasoline and fuels, shall be contained in tanks approved by the Board of Health as "best available technology".

b. All tanks shall be properly installed as per Massachusetts Fire Prevention Regulations in force at the time of installation and according to manufacturers' specifications.

(1) Installation shall be under the direction of the head of the Fire Department or his duly-appointed designee within said Department.

c. All tank installation within four (4) feet of high water table or within one hundred feet of a surface-water body shall be of fiberglass construction and located in a water-tight vault. Tanks so located shall be monitored by an approved leak detection system, the design and number of devices subject to Board of Health approval.

d.

(1) The owner or operator shall notify the Fire Department to the commencement of any tank installation.

(2) Upon the receipt of said notice of installation, the head of the Fire Department or the Board of Health may require repair of protective coatings prior to installation or final cover, and additional requirements may be required to satisfy terms of "best available technology".

e. When it is necessary to replace or interior coat an underground steel tank which has developed a corrosion-induced leak, all other steel tanks at the facility of the same age or older shall be interior coated or replaced with tanks that meet the requirements of Section 8b.1.

f. Where a cathodic protection system is installed, an ongoing monitory and maintenance program shall be conducted.

(1) Where sacrificial anodes have been installed, their proper operation shall be confirmed by a qualified person at least once a year.

g. If a tank is taken out of service temporarily or permanently, the Board of Health shall be notified. The final disposition of the tank and produce shall be in accordance with Massachusetts Board of Fire Prevention Regulations, 525 C.M.R., and as approved by the Board of Health.

h. Any existing tank may be replaced subject to the provisions of Section 8.

Section 9 Tank Testing and Removal

a. All steel fuel or chemical storage tanks and systems shall be subject to a Petro-Tite (Kent-Moore) Pressure Test or any other acceptable pressure test providing equivalent safety and effectiveness fifteen years after installation and annually thereafter.

(1) No test shall be conducted by the PSI air pressure test for leak detection. This By-Law recognizes that this test is a method of leak detection but specifically excludes it as a method because of a probability that such test can cause an explosion.

b. All tanks not in conformance with Section 8 supra and 527 C.M.R. 9.04, installed prior to the effective date of this By-Law shall be removed when twenty years old or shall be tested by a method to be determined by the Board of Health and shall be removed upon failure to meet such testing standards.

(1) At such time that a tank is exhumed for removal, it shall be examined for leaks by the Board of Health. If a leak exists, the Board of Health shall immediately cause an investigation to be made of the amount and the location of spilled substance, the same to be undertaken at the expense of the owner. The spilled substance shall be removed immediately by the owner.

Section 10 Proximity to Water Supplies and Other Sensitive Areas

a. No new installation of underground fuel or chemical storage tanks and systems shall be allowed within two thousand feet of a public water supply well except as provided in Section 13 below.

b. Where fuel, gasoline or other chemicals stored underground are located within two thousand feet of a public water supply well or other sensitive areas, the Board of Health may require the installation of an approved leak detection system, the design and number of devices to be subject to the Board of Health approval.

Section 11 Costs

a. The owner shall assume all costs incurred to comply with this By-Law.

Section 12 Penalties

a. Whoever violates any provision of this By-Law shall be subject to a fine of two hundred dollars (\$200.00) for each violation. Each day that such violation continues shall constitute a separate offense.

Section 13 Variances

a. The Board of Health may grant a variance from the provisions of Section 10a herein upon the following conditions and in accordance with requirements of the Massachusetts Board of Fire Prevention Regulations, 527 C.M.R.

(1) At a public hearing the applicant shall establish that the proposed location of an underground storage tank will not threaten or adversely affect public or private water sources.

(2) In granting said variance the Board of Health shall take into consideration the direction of the groundwater flow, soil conditions, depth to groundwater, size, shape and slope of the lot and existing and known future water supplies.

(3) Notice of any public hearing shall be given by placing notification in a local newspaper regularly circulated within said Town of Natick, and at least fourteen (14) days before said hearing.

(4) The Board of Health shall refer the application for a variance to the Conservation Commission, Planning Board, Department of Public Works and Zoning Board of Appeals for their review and comments. No final decision of the Board of Health relative to such application shall be issued less than twenty-one (21) days following the receipt of such application by the aforementioned agencies.

(5) Persons aggrieved by a decision of the Board of Health as to the denial of a variance may appeal said decision under any applicable law.

Section 14 Severability

A conflict of one part or provision of this By-Law with any law shall not affect the validity or applicability of any other part or provision of this By-Law.

ARTICLE 82

WATER CONSERVATION

Section 1 Purpose and Intent

It is the intent of this By-Law to conserve the water supply of the Town, to minimize wastewater disposal, to protect and extend the water supply, to prevent sewage overflow and to protect the health and safety of the public

Section 2 Definition

For the purposes of this By-Law, the term "water savings cost estimate" shall mean the estimated cost of installing, financing, maintaining and replacing a water use system including the cost savings in consumption of water by use of mitigating measures and alternative solutions including but not limited to ultra low flow devices, composting toilets, recycling and reuse systems, and use of non potable water.

Section 3 Procedures

- a. A water savings cost estimate shall be required to conserve water supply and minimize wastewater disposal.
- b. Evidence shall be required to show that the applicant intends to utilize such devices, techniques or equipment that are consistent with Sections 1 & 2 of this By-Law.

Section 4 Applicability

- a. This By-Law shall become effective upon the approval of this by-law by the Attorney General.
- b. This By-Law shall apply in all Use Districts for any new water-using development, including all commercial and industrial developments and residential development in excess of three (3) units or for the modification or replacement of a water-using system in an existing structure or building or residential development in excess of three (3) units.

Section 5 Rules and Regulations

The Conservation Commission shall promulgate rules and regulations upon consultation with the Board of Health, the Inspector of Buildings and the Director of Public Works for the implementation of this By-Law.

Section 6 Administration and Enforcement Agents

- a. The Inspector of Buildings shall not issue a building or occupancy permit unless the following are submitted with such application:
 - (1) A water savings cost estimate
 - (2) Construction methods to be implemented that are consistent with Sections 1 and 2 of this By-Law
 - (3) A certificate from the Director of Public Works certifying that an adequate supply of potable water can be supplied to such building or structure.
- b. The Inspector of Buildings and the Director of Public Works shall condition new water connections upon the conformity of this By-Law respecting the implementation of measures to effectively conserve, recycle and reuse water.

Section 7 Application

- a. All practical measures to conserve, recycle and reuse water as developed in said water savings cost estimates and compatible with State codes and federal, state and local laws shall be implemented.

Section 8 Approval & Disapproval; Notice & Hearing; Certificate of Adequacy

- a. The Conservation Commission shall determine conformity with the By-Law. A public hearing shall be held by the Conservation Commission before approval, approval subject to conditions, or disapproval of the requirements of this By-law is given.
- b. The Director of Public Works shall issue no certificate of adequacy to supply water unless the existing potable water supply requirements of the inhabitants of the Town fall within safe yield of the watershed systems pursuant to any such determination made by the Department.

Section 9 Costs

The applicant shall assume all costs that may be incurred to comply with this By-Law.

Section 10 General Requirements

Failure to provide permits, certificates, and approvals as required by this By-Law shall not be due to failure by the applicant to apply to the appropriate agency for their grant.

Section 11 Appeals

Person aggrieved by a decision of the Board of Health, the Inspector of Buildings or the Director of Public Works as to the denial of building, occupancy permits or water connections in this By-Law may appeal said decision under any applicable law.

Section 12 Severability

A conflict of one part or provision of this By-Law with any law shall not affect the validity or applicability of any other part or provision of this By-Law.

ARTICLE 83

NO SMOKING IN PUBLIC PLACES

- a. It is hereby declared that smoking in public places is a public nuisance, dangerous and hazardous to the public health, and violates the rights of non-smokers to breathe air which is free of smoke contamination.
- b. As used herein, "Smoking" shall include carrying a lighted cigarette, cigar, pipe or other tobacco product.
- c. No person shall smoke in any elevator accessible to the public.
- d. No person shall smoke nor shall any person, employee, or other person having control of the premises upon which smoking is prohibited by this regulation, or the agent or designee of such person, permit a person to smoke in any room to which the public is invited or in which the public is permitted, including, but not limited to, any restaurant, health care facility, classroom, lecture hall, theater, motion picture theater, opera house, concert hall, library, auditorium, school, retail store, reception area, restroom or lavatory, waiting room, or public area of a bank, but not including any private residence or other place mentioned in subsection (e) nor any party, beano game, social reception, or fraternal or veteran's organization.
- e. Smoking is permitted in the bar area of a restaurant, provided that 1) the bar area shall not include any common area of the premises to which any patron seated in the non-smoking area may need access, including but not limited to waiting areas, restrooms, and access routes thereto; 2) the perimeter of a bar area of a restaurant in which smoking is permitted shall be separated by a floor -to-ceiling physical barrier; 3) the bar area of the restaurant shall be marked with signs that warn patrons of the dangers of exposure to secondhand smoke; and 4) no person under the age of eighteen (18) years old is permitted to enter the bar area of the restaurant.

This prohibition does not apply in cases in which an entire room or hall is used for a private social function and not by the proprietor or person in charge of the restaurant.

In addition to the remedies provided by subsections (h) and (i), the Director of Public Health or any person aggrieved by the willful failure of the proprietor or other person in charge of a restaurant to comply with any provision of this subsection may apply for injunctive relief to enforce the provisions of this subsection in any court of competent jurisdiction.

Nothing in this subsection shall make lawful smoking in any area in which smoking is or may hereafter be prohibited by law.

f.

(1) Except as provided in paragraph (2) no person shall smoke in any room under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference rooms, and hallways, but not including any private residence unless it is used as a child care or health care facility, or any other place mentioned in subsection (e).

(2) At the written request of one or more employees, an employer may (but is not required to) make other reasonable accommodations to smoking employees, including provision of a separate employee lounge for smoking, no larger in floor area or seating capacity than the employee lounge for non-smokers. Upon request in writing, an employer shall provide a copy in writing of its smoking policy under this paragraph, including any designated smoking areas or other accommodation for smoking employees, to any employee, prospective employee, and the Director of Public Health. Any employee aggrieved by an employer's smoking policy or any portion thereof may appeal in writing to the Director who may modify it in any manner to carry out the purpose of this section. In any dispute arising from such a smoking policy, the health concerns of non-smokers shall be given precedence.

(3) The Director of Public Health shall enforce this subsection and subsection (d), and for this purpose shall have the assistance of the Town Administrator, Town Counsel and the Police and Building Department. In addition to the remedies provided by subsections (h) and (i), the Director or any person aggrieved by any violation of this subsection or subsection (d) may apply for injunctive relief to enforce said provision in any court with jurisdiction. This does not apply to small businesses which occupy only fifteen hundred (1,500) square feet of office space and where one hundred (100) percent of the employees have no objection.

g. Every person having control of premises upon which smoking is prohibited by this article or his or her agent or designee, shall conspicuously display upon the premises a sign reading "Smoking Prohibited by Law".

h. It shall be unlawful for any person having control of any premises or place in which smoking is prohibited by this ordinance to knowingly permit a violation of this article. A person shall be held to have knowingly permitted a violation of this article if a visitor to his or her premises observes one or more people smoking (other than in properly designated smoking areas) on three successive visits. Any licenses issued by the Town to such person shall be subject to suspension for up to fifteen (15) days for a single violation of this subsection, and shall be subject to suspension for up to one year, or to revocation, for any successive violation.

i. Any person who knowingly violates any provision of the Article, or who smokes in an area in which a "Smoking Prohibited by Law" notice is conspicuously posted as required by subsection (h) of this article shall be subject to a fine in an amount of one hundred dollars (\$100) for the first offense, two hundred (\$200) for a second offense and three hundred dollars (\$300) for a third or subsequent offense. All violations will be written against the establishment.

- j. If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

ARTICLE 90

REPEAL OF BY-LAWS

Section 1

These By-Laws and the repeal of all By-Laws heretofore in force shall not affect any act done, any right accrued, any penalty or liability incurred, or any suit, prosecution, or proceeding pending at the time they take effect.

Section 2

All By-Laws heretofore in force shall be repealed and these By-Laws shall become effective when the latter are approved and published as required by statute.

ARTICLE 91

COLLECTIVE BARGAINING

Whenever the Natick Town Meeting duly votes to accept, approve and adopt any terms or provisions of a collective bargaining agreement duly negotiated between authorized representatives of the Town and the duly recognized or designated employee representative of any employee group, and when any provision of such collective bargaining agreement is in conflict with any provision of these By-Laws, then the provisions of the collective bargaining agreement shall prevail and shall supersede the conflicting provisions of these By-Laws.

ARTICLE 92

ENFORCEMENT OF BY-LAWS

Section 1 Fines

The fine for violating any provisions of the By-Laws shall be fifty dollars (\$50.00), except where other penalties are specifically authorized by general laws, by charter, or by by-law.

Section 2 Enforcement

2.1 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 and as the district court may see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be three hundred dollars.

2.2 Noncriminal Disposition

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

Without intending to limit the generality of the foregoing, it is intended that the sections of those laws or by-laws listed in the table entitled "Schedule of Fines," which is incorporated into this subsection by reference, are to be included within the scope of this subsection; that the specific penalties as listed there shall apply to such cases; that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed, if any, shall also be enforcing persons; and that each day on which any violation exists shall be deemed to be a separate offense.

Section 3 Complaints by the Public; Procedures

Any person witnessing the violation of any provision of the Town By-Laws may report such incidents to the appropriate enforcing person. Enforcing persons are hereby designated as (1) police officers, in all cases; (2) those municipal personnel designated in specific by-laws or by Massachusetts law as being responsible for enforcement; or (3) the Town Administrator, who shall refer the complaint to the appropriate municipal personnel for action. The enforcing person shall determine what action to take concerning the complaint, if any.

Whenever a complaint is received in writing from a known person, the official responsible for enforcement shall make a reply to that person within sixty days of receipt. The reply shall note what action, if any, was or will be taken on the complaint. If final action has not been completed by the time the reply is prepared, a follow-up reply shall also be issued after final action is completed.

SCHEDULE OF FINES

Subject	Reference	Other Enforcing Authority	Fine
Underground storage tank registration	(B) Art.81, s.5	Health Officer, Sanitarian	\$50.00
Underground storage tank inventory control	(B) Art.81, s.6	Health Officer, Sanitarian	\$50.00
Underground storage tank testing and removal	(B) Art.81, s.9	Health Officer, Sanitarian	\$100.00
Smoking	(B) Art.83	Health Officer, Sanitarian	
First offense			\$25.00
Second offense			\$50.00
Third offense			\$100.00
Fourth offense			\$200.00
Littering, illegal dumping	(G) c.270, s.16, s.16A	Health Officer, Sanitarian	
First, second, third offenses			\$20.00
Fourth offense			\$100.00

Key: (B) - By-Laws; (G) - General Laws; Art. - Article; c. - chapter; s. - section.

TOWN OF NATICK

BY-LAWS

APPENDICES

Appendix	Title	Page
A	Explanation of Abbreviations	A-1
B	List of By-Law Amendments	B-1
C	Legislation Applicable to Natick by Special Acts or Acceptance of Optional General Laws	C-1
D	Decisions of the Supreme Judicial Court in Cases in Which the Town of Natick Was a Party	D-1

EXPLANATION OF ABBREVIATIONS

Art., s.	ByLaw Article, Section
ATM	Annual Town Meeting and date of meeting
STM	Special Town Meeting and date of meeting
Art.	Vote under article in town meeting warrant
ATM (B)	Vote by ballot and date of meeting
S.E. (B)	Vote by ballot at State Election
S	Selectmen accepted
G.L., c., s., par., cl.	General Laws, Chapter, Section, Paragraph, Clause
R.L.	Revised Laws
P.S.	Public Statutes
A	Acts

LIST OF BY-LAW AMENDMENTS

By-Law Reference	Town Meeting Action
Art. 1	Originally designated Art. I. Section titles added by ATM 10/3/91, Art. 28. Renumbered by ATM 10/8/92, Art. 27.
Art. 1 s. 1	Amended by ATM 4/7/81, Art. 7; ATM 4/7/81, Art. 8; ATM 10/3/91, Art. 28; ATM 10/5/93, Art. 19; ATM 4/23/02, Art. 31.
Art. 1 s. 2	Amended by ATM 3/28/68, Art. 85; ATM 4/7/81, Art. 9; ATM 4/14/92, Art. 28.
Art. 1 s. 3	Amended by ATM 11/1/05, Art. 23.
Art. 1 s. 4	Amended by ATM 3/17/70, Art. 55; STM 5/24/77, Art. 11; ATM 4/7/81, Art. 12; ATM 4/9/87, Art. 44; ATM 10/15/02, Art. 25.
Art. 1 s. 5	Amended by ATM 4/7/81, Art. 10; deleted by ATM 4/14/92, Art. 28. New text added by ATM 11/1/05, Art. 22.
Art. 1 s. 6	Deleted by ATM 4/7/81, Art. 11.
Art. 2	Originally designated Art. I (a) when added by ATM 10/3/91, Art. 30. Renumbered by ATM 10/8/92, Art. 27.
Art. 3	Originally designated Art. II. Section titles added by ATM 10/3/91, Art. 25. Renumbered by ATM 10/8/92, Art. 27.
Art. 3 s. 3	Amended by ATM 10/3/91, Art. 25.
Art. 3 s. 4	Amended by ATM 10/3/91, Art. 25; ATM 4/17/97, Art. 44.
Art. 3 s. 5	Amended by ATM 3/18/69, Art. 20.
Art. 3 s. 6	Amended by ATM 10/3/91, Art. 25. Material moved to table.
Art. 3 s. 6, table	Amended by ATM 3/16/78, Art. 27; ATM 10/3/91, Art. 25; ATM 10/28/03, Art. 24.
Art. 3 s. 10	Amended by ATM 3/20/69, Art. 29; ATM 10/3/91, Art. 25.
Art. 3 s. 11	Prior text deleted by ATM 10/3/91, Art. 25. New text added by ATM 10/3/91, Art. 25. Deleted by ATM 10/28/03, Art. 24.
Art. 3 s. 11	Originally designated Section 12 when amended by ATM 4/7/81, Art. 13. Deleted by ATM 10/3/91, Art. 25. New text added by ATM 10/3/91, Art. 25. Renumbered by ATM 10/28/03, Art. 24.

By-Law Reference

Town Meeting Action

Art. 10		Originally designated Art. II (a). Section titles added by ATM 10/3/91, Art. 41. Renumbered by ATM 10/8/92, Art. 27.
Art. 10	s. 1	Amended by ATM 10/3/91, Art. 41.
Art. 10	s. 2	Added by ATM 10/3/91, Art. 41. Following sections renumbered.
Art. 10	s. 2, table	Added by ATM 10/3/91, Art. 41. Amended by ATM 10/4/01, Art. 23.
Art. 10	s. 3	Amended by ATM 4/14/92, Art. 29.
Art. 10	s. 4	Amended by ATM 4/7/81, Art. 14.
Art. 11		Originally designated Art. IV. Section titles added by ATM 10/3/91, Art. 24. Renumbered by ATM 10/8/92, Art. 27.
Art. 11	s. 7	Amended by ATM 10/3/91, Art. 24.
Art. 11	s.8	Added by ATM 10/15/02, Art 26. Following sections renumbered.
Art. 11	s. 10	Originally designated Section 9 when amended by ATM 10/3/91, Art. 24. Renumbered and amended by ATM 10/15/02, Art.26.
Art. 11	s. 11	Originally designated Section 10 when added by ATM 4/9/87, Art. 49. Renumbered by ATM 10/15/02, Art.26.
Art. 11	s. 12	Added by ATM 10/15/02, Art 26.
Art. 12		Originally designated Art. XIII. Renumbered by ATM 10/8/92, Art. 27.
Art. 12	s. 6	Added by ATM 4/2/91, Art. 33.
Art. 12	s. 7	Added by ATM 5/2/00, Art. 37.
Art. 20		Originally designated Art. II (aa) when added by ATM 10/3/91, Art. 43. Renumbered by ATM 10/8/92, Art. 27.
Art. 20	s. 1	Added by ATM 4/21/92, Art. 35. Following section renumbered.
Art. 20	s. 1, table	Added by ATM 4/21/92, Art. 35.
Art. 20	s.2	Amended by ATM 10/17/02, Art. 30.
Art. 20	s. 3	Added by ATM 10/4/01, Art. 24.
Art. 20	s. 4	Added by STM 10/23/01, Art. 3.
Art. 20	s. 5	Added by ATM 10/22/02, Art 53.

By-Law Reference

Town Meeting Action

Art. 21		Originally designated Art. II (b). Prior text amended by ATM 3/20/69, Art. 27; ATM 3/23/72, Art. 26; ATM 3/20/73, Art. 49; ATM 4/7/81, Art. 15; ATM 4/7/81, Art. 16; ATM 4/7/81, Art. 17; deleted by ATM 10/3/91, Art. 19. New text added by ATM 10/3/91, Art. 19. Renumbered by ATM 10/8/92, Art. 27.
Art. 22		Originally designated Art. V. Prior text deleted by STM 10/5/82, Art. 6. New text added by STM 10/5/82, Art. 6. Renumbered by ATM 10/8/92, Art. 27.
Art. 22	s. 4	Amended by ATM 4/14/92, Art. 30.
Art. 22	s. 8	Amended by ATM 4/14/92, Art. 29.
Art. 23		Originally designated Art. VI. Section titles added by ATM 10/3/91, Art. 38. Renumbered by ATM 10/8/92, Art. 27.
Art. 23	s. 1	Amended by ATM 3/25/69, Art. 53; ATM 3/28/72, Art. 51; ATM 4/11/85, Art. 33; ATM 4/15/03, Art. 20.
Art. 23	s. 3	Prior text amended by ATM 3/25/69, Art. 55; deleted by ATM 10/3/91, Art. 38.
Art. 23	s. 4	Amended by ATM 3/28/68, Art. 85; ATM 4/11/85, Art. 32.
Art. 23	s. 6	Deleted by ATM 10/3/91, Art. 38
Art. 23	s. 7	Deleted by ATM 10/3/91, Art. 38.
Art. 23	s. 8	Amended by ATM 3/25/69, Art. 54; deleted by ATM 10/3/91, Art. 38.
Art. 24		Originally designated Art. VI (a). Prior text deleted by ATM 10/12/82, Art. 11. New text added by ATM 10/12/82, Art. 11. Renumbered by ATM 10/8/92, Art. 27.
Art. 24	s. 1	Amended by ATM 10/3/91, Art. 16; ATM 10/17/02, Art. 37.
Art. 24	s. 2	Amended by ATM 10/17/02, Art. 38.
Art. 24	s. 3	Amended by ATM 10/3/91, Art. 16.
Art. 24	s. 3, table	Added by ATM 10/3/91, Art. 16. Amended by ATM 10/5/93, Art. 7; ATM 4/12/94, Art. 8; ATM 10/10/95, Art.6; ATM 10/1/96, Art. 8; ATM 4/10/97, Art. 9; STM 6/10/97, Art. 7; ATM 10/7/97, Art. 7; STM 12/15/98, Art. 3; ATM 4/15/99, Art. 7; ATM 4/11/00, Art. 8; ATM 4/10/01, Art. 6; ATM 4/9/02, Art. 8; ATM 4/20/04, Art. 7; ATM 4/14/05, Art. 8.
Art. 24	s. 4	Amended by ATM 4/9/96, Art. 7.
Art. 24	s. 7	Amended by ATM 4/9/85, Art. 4; ATM 10/2/90, Art. 13; ATM 4/9/96, Art. 7.
Art. 24	s. 8	Amended by ATM 4/9/96, Art. 7.
Art. 24	s. 8A	Added by ATM 4/9/96, Art. 7.

By-Law Reference

Town Meeting Action

Art. 25	Originally designated Section 1 of Art. XV. Amended by ATM 3/25/69, Art. 63; STM 3/23/71, Art. 6; ATM 10/1/91, Art. 13 (first). Renumbered and amended by ATM 10/8/92, Art. 27.
Art. 26	Originally designated Section 2 of Art. XV. Amended by ATM 3/28/74, Art. 47; STM 5/11/76, Art. 10; ATM 3/16/78, Art. 31; ATM 10/3/91, Art. 13 (second). Renumbered and amended by ATM 10/8/92, Art. 27.
Art. 27	Originally designated Section 3 of Art. XV. Added by ATM 4/6/76, Art. 42. Amended by STM 5/24/77, Art. 7; ATM 10/3/91, Art. 15. Renumbered and amended by ATM 10/8/92, Art. 27.
Art. 28	Originally designated Section 4 of Art. XV when added by ATM 10/3/91, Art. 14. Renumbered and amended by ATM 10/8/92, Art. 27.
Art. 29	Originally designated Section 5 of Art. XV when added by ATM 10/3/91, Art. 14. Renumbered and amended by ATM 10/8/92, Art. 27.
Art. 30	Originally designated Section 6 of Art. XV when added by ATM 10/3/91, Art. 14. Renumbered and amended by ATM 10/8/92, Art. 27.
Art. 30 s. 2	Added by ATM 4/27/00, Art.31. Text moved to Art. 79 by ATM 10/22/02, Art. 54.
Art. 31	Originally designated Art. V (c) when added by ATM 4/21/92, Art. 31. Renumbered by ATM 10/8/92, Art. 27. Deleted by ATM 10/24/02, Art. 61.
Art. 32	Added by ATM 4/10/03, Art. 16.

By-Law Reference

Town Meeting Action

Art. 40		Originally designated Art. III. Section titles added by ATM 10/3/91, Art. 22. Renumbered by ATM 10/8/92, Art. 27.
Art. 40	s. 1	Amended by ATM 10/10/00, Art. 34; ATM 10/4/01, Art. 25.
Art. 40	s. 2	Amended by ATM 4/22/82, Art. 11; ATM 10/10/00, Art. 34; ATM 10/4/01, Art. 25.
Art. 40	s. 3	Amended by ATM 3/20/73, Art. 48; ATM 10/3/91, Art. 22.
Art. 40	s. 4	Amended by ATM 10/3/91, Art. 22; ATM 10/22/02, Art. 50.
Art. 40	s. 5	Amended by ATM 10/3/91, Art. 22; ATM 10/22/02, Art. 50.
Art. 40	s. 6	Added by ATM 4/3/75, Art. 58. Amended by ATM 10/3/91, Art. 23.
Art. 40	s. 7	Added by ATM 4/10/75, Art. 72.
Art. 41		Originally designated Art. III (a). Section titles added by ATM 10/3/91, Art. 32. Renumbered by ATM 10/8/92, Art. 27.
Art. 41	s. 1	Amended by STM 9/20/77, Art. 5; ATM 4/5/84, Art. 34; STM 6/5/84, Art. 4; ATM 10/2/90, Art. 26; ATM 10/10/00, Art. 37; ATM 4/27/04, Art. 30.
Art. 41	s. 11	Amended by ATM 4/7/83, Art. 37; ATM 10/3/91, Art. 32.
Art. 41	s. 12	Added by ATM 4/21/92, Art. 34.
Art. 41	s. 12, table	Added by ATM 4/21/92, Art. 34.
Art. 42		Originally designated Sections 1 and 2 of Art. XIV. Renumbered by ATM 10/8/92, Art. 27.
Art. 42	s. 3	Added by ATM 4/2/91, Art. 35. Moved to Art. 52 by ATM 10/8/92, Art. 27.
Art. 43		Originally designated Art. XX when added by ATM 10/3/89, Art. 3. Section titles added by ATM 10/3/91, Art. 17. Renumbered by ATM 10/8/92, Art. 27.
Art. 43	s. 1	Amended by ATM 5/2/00, Art. 36.
Art. 43	s. 2	Amended by ATM 5/2/00, Art. 36.
Art. 44		Originally designated Art. XXII when added by ATM 10/8/92, Art. 21. Renumbered by ATM 10/8/92, Art. 27.

By-Law Reference

Town Meeting Action

Art. 50		Originally designated Art. VII. Group headings deleted and section titles added by ATM 10/3/91, Art. 33. Renumbered by ATM 10/8/92, Art. 27.
Art. 50	s. 2	Amended by ATM 10/3/91, Art. 33.
Art. 50	s. 6	Amended by ATM 10/3/91, Art. 33.
Art. 50	s. 7	Deleted by ATM 10/3/91, Art. 33.
Art. 50	s. 14 a	Added by ATM 3/28/74, Art. 45.
Art. 50	s. 15	Amended by ATM 10/4/88, Art. 10.
Art. 50	s. 16	Prior text amended by STM 12/12/78, Art. 13; ATM 4/5/84, Art. 35; deleted by ATM 4/14/92, Art. 26. New text added by ATM 4/14/92, Art. 26. Amended by ATM 10/8/92, Art. 22; ATM 4/28/98, Art. 25; ATM 10/10/00, Art. 35.
Art. 50	s. 17	Amended by ATM 10/12/95, Art. 26.
Art. 50	s. 18	Prior text added by ATM 3/25/69, Art. 48; deleted by ATM 10/3/91, Art. 33. New text added by ATM 10/3/91, Art. 33. Amended by ATM 10/22/02, Art. 44.
Art. 50	s. 19	Added by ATM 3/25/69, Art. 78.
Art. 50	s. 20	Added by ATM 4/2/70, Art. 57. Amended by ATM 10/22/02, Art. 44.
Art. 50	s. 21	Added by ATM 3/27/73, Art. 78.
Art. 50	s. 22	Added by ATM 4/11/85, Art. 31. Amended by ATM 10/3/91, Art. 33; ATM 11/1/05, Art. 24.
Art. 50	s. 23	Added by ATM 4/2/91, Art. 36. Moved to Art. 51 by ATM 10/3/91, Art. 33. New text added by ATM 5/2/00, Art. 43.
Art. 51		Originally designated Art. VII (a) when added by ATM 4/2/91, Art. 36. Text moved from Art. 50 and amended by ATM 10/3/91, Art. 33. Renumbered by ATM 10/8/92, Art. 27.
Art. 51	s. 6	Amended by ATM 4/14/94, Art. 23.
Art. 52		Originally designated Section 3 of Art. XIV. Renumbered and amended by ATM 10/8/92, Art. 27.
Art. 53		Added by ATM 10/23/03, Art. 23. Amended by ATM 10/21/04, Art. 24.

By-Law Reference

Town Meeting Action

Art. 60		Originally designated Art. VIII. Section titles added by ATM 10/3/91, Art. 36. Renumbered by ATM 10/8/92, Art. 27.
Art. 60	s. 1	Amended by ATM 10/3/91, Art. 36.
Art. 60	s. 2	Amended by ATM 10/3/91, Art. 36.
Art. 60	s. 5	Amended by STM 11/29/73, Art. 10; ATM 10/3/91, Art. 36.
Art. 60	s. 6 a	Amended by ATM 10/3/91, Art. 36.
Art. 60	s. 7	Amended by ATM 10/3/91, Art. 36.
Art. 60	s. 8	Added by STM 4/11/78, Art. 2. Amended by ATM 4/11/96, Art. 29.
Art. 60	s. 9	Added by ATM 10/12/82, Art. 35. Amended by ATM 10/3/91, Art. 36.
Art. 60	s. 10	Added by ATM 4/12/88, Art. 39. Amended by ATM 4/19/05, Art. 20.
Art. 60	s. 11	Added by ATM 10/3/91, Art. 37.
Art. 60	s. 12	Added by ATM 10/3/91, Art. 37.
Art. 60	s. 13	Added by ATM 10/3/91, Art. 37.
Art. 60	s. 14	Added by ATM 10/3/91, Art. 37.
Art. 60	s. 15	Added by ATM 10/3/91, Art. 37.
Art. 70		Originally designated Art. V (a). Title changed and section titles added by ATM 10/3/91, Art. 20. Renumbered by ATM 10/8/92, Art. 27.
Art. 70	s. 1	Amended by ATM 10/3/91, Art. 20.
Art. 70	s. 2	Amended by ATM 10/3/91, Art. 20.
Art. 70	s. 5	Amended by ATM 3/20/73, Art. 30; ATM 10/3/91, Art. 21.
Art. 70	s. 6	Amended by ATM 3/29/79, Art. 25; ATM 10/3/91, Art. 20; ATM 4/21/92, Art. 37.
Art. 70	s. 7	Prior text moved to Art. 71 by ATM 10/3/91, Art. 20. New text added by ATM 4/9/92, Art. 8.

By-Law Reference

Town Meeting Action

Art. 71		Originally designated Art. V (aa). Text moved from Art. 70 and amended by ATM 10/3/91, Art.20. Renumbered by ATM 10/8/92, Art. 27.
Art. 71	s. 1	Amended by ATM 10/3/91, Art.20.
Art. 71	s. 2	Amended by ATM 10/3/91, Art.20; ATM 4/19/05, Art. 23.
Art. 71	s. 3	Amended by ATM 10/3/91, Art.20.
Art. 71	s. 4	Amended by ATM 10/3/91, Art.20; ATM 4/19/05, Art. 23.
Art. 72		Originally designated Art. IX when added by ATM 4/1/76, Art. 43. Renumbered by ATM 10/8/92, Art. 27.
Art. 72	s. 1	Amended by ATM 10/3/91, Art. 45.
Art. 72	s. 2	Amended by ATM 4/10/86, Art. 25.
Art. 72	s. 4	Added by STM 10/7/80, Art. 2. Amended by ATM 10/3/91, Art. 45.
Art. 72	s. 5, 6	Prior text added by 4/7/83, Art. 47. Amended by ATM 10/8/87, Art. 22. Moved to Art. 75 by ATM 10/8/92, Art. 19. Following section renumbered.
Art. 72	s. 5	Originally designated s. 7 when added by STM 4/5/90, Art. 14.
Art. 72	s. 6	Added by STM 12/15/98, Art. 18.
Art. 73		Originally designated Art. X. Renumbered by ATM 10/8/92, Art. 27.
Art. 74		Originally designated Art. XI. Renumbered by ATM 10/8/92, Art. 27.
Art. 74	s. 3	Amended by ATM 4/28/98, Art. 26.
Art. 75		Originally designated Art. IX (a). Text moved from Art. 72 and amended by ATM 10/8/92, Art. 19. Renumbered by ATM 10/8/92, Art. 27.
Art. 76		Added by ATM 10/3/96, Art. 23.
Art. 77		Added by ATM 4/10/97, Art. 17.
Art. 78		Added by STM 12/15/98, Art. 20. Amended by ATM May 11, 2006, Art. 44.
Art. 78A		Added by ATM 4/27/04, Art. 31.
Art. 79		Originally designated Section 2 of Art. 30 when added by ATM 4/27/00, Art.31. Renumbered and amended by ATM 10/22/02, Art. 54.
Art.79A		Added by ATM 5/9/06, Art. 38.

By-Law Reference

Town Meeting Action

Art. 80		Originally designated Art. V (b) when added by ATM 10/2/90, Art. 28. Renumbered by ATM 10/8/92, Art. 27. Amended by ATM 10/22/02, Art. 55.
Art. 81		Originally designated Art. XVIII when added by STM 6/5/84, Art. 3. Renumbered by ATM 10/8/92, Art. 27.
Art. 81	s. 2	Amended by ATM 4/9/92, Art. 10.
Art. 82		Originally designated Art. XIX when added by ATM 10/3/85, Art. 17. Renumbered by ATM 10/8/92, Art. 27.
Art. 83		Originally designated Art. XXI when added by ATM 10/8/87, Art. 25. Renumbered by ATM 10/8/92, Art. 27.
Art. 83	s. d	Amended by ATM 4/11/96, Art. 28; ATM 10/14/99, Art. 30.
Art. 83	s. e	Amended by ATM 4/11/96, Art. 28; ATM 10/14/99, Art. 30.
Art. 83	s. f	Amended by ATM 10/14/99, Art. 30.
Art. 83	s. i	Amended by ATM 10/14/99, Art. 30.
Art. 84		Added ATM 5/9/06 Art. 37.
Art. 90		Originally designated Art. XII. Renumbered by ATM 10/8/92, Art. 27.
Art. 91		Originally designated Art. XVI. Renumbered by ATM 10/8/92, Art. 27.
Art. 92		Originally designated Art. XVII when added by ATM 4/1/76, Art. 44. Prior text deleted by ATM 4/12/88, Art. 48. New text added by ATM 4/12/88, Art. 48. Title changed by ATM 4/21/92, Art. 32. Renumbered by ATM 10/8/92, Art. 27.
Art. 92	s. 1	Added by ATM 10/3/91, Art. 18. Following section renumbered.
Art. 92	s. 2	Amended by ATM 10/3/91, Art. 18.
Art. 92	s. 2, table	Added by ATM 4/12/88, Art. 48. Amended by ATM 10/3/91, Art. 18.
Art. 92	s. 3	Added by ATM 4/21/92, Art. 32.

**LEGISLATION APPLICABLE TO NATICK BY SPECIAL ACTS
OR ACCEPTANCE OF OPTIONAL GENERAL LAWS**

Listed by Year Effective

Year	Legislation Subject	Town Acceptance Where Required	Citation
1796	Fishing, the taking of shad and alewives within the limits of the Town		Act of 2/5/1796
1851	Fire Department, establishment of		A. 1851, c. 55
1861	Natick Gas Light Co., incorporation of		A. 1861, c. 68
1866	Boston & Worcester Railroad land for new depot		A. 1866, c. 71
1869	Boston & Worcester Railroad crossing at Washington Street		A. 1869, c. 261
1871	Natick Indians, disposition of fund		A. 1871, c. 286
	Morse Institute, incorporation to carry out trust establishing library		A. 1871, c. 150
1873	Water Supply, authorizing taking of land at Dug Pond and borrowing		A. 1873, c. 76
1875	Sewers, matters affecting Lake Cochituate and brook drainage		A. 1875, c. 228
1876	Henry Wilson, authorizing Town to raise \$1,000 for funeral expense		A. 1876, c. 27
1881	District Court Natick set off from jurisdiction of 1st District Court of Southern Middlesex		A. 1881, c. 223
	Water Supply, amendments to Acts 1873, c. 76, resupplying water		A. 1881, c. 130
	Road Commissioners, election required	ATM 3/21/81, Art. 36	A. 1871, c. 158; G.L., c. 41, s. 1
1883	Water Supply, authorized Natick to supply Wellesley		A. 1883, c. 261
1884	Water Supply, authority to borrow required sinking fund		A. 1873, c. 76
1887	Framingham Sewer Beds, authorized Framingham to acquire Natick land for sewer purposes		A. 1887, c. 403
	Boston & Albany Railroad, authorizing a new location		A. 1887, c. 268

Year	Legislation Subject	Town Acceptance Where Required	Citation
1887	Voting Precincts, precinct established in South Natick section	ATM 3/21/87, Art. 24	A. 1886, c. 264; G.L., c. 54, s. 6
1888	Veterans Aid, gave fund to Grand Army of the Republic	ATM 3/19/88, Art. 41	A. 1885, c. 189
1889	Sinking Fund Commissioners, election of (Fund liquidated, ATM 10/2/45)	ATM 3/18/89, Art. 41	P.S., c. 29, s. 9-10; G.L., c. 41, s. 44
1890	Henry Wilson, ratified vote of ATM 1890 appropriating \$1,000 for statue		A. 1890, c. 318
	Dell Park Cemetery Association, incorporation of		A. 1890, c. 67
	Sidewalks, construction and maintenance	ATM 3/17/90	P.S., c. 50, s. 20-23; G.L., c. 83, s. 25-26
	Town Elections, use of official ballots	STM 12/19/90, Art. 2	A. 1890, c. 386; G.L., c. 41, s. 6-7
1891	Assessors, election of three	ATM 3/16/91, Art. 40	P.S., c. 27, s. 65-68; G.L., c. 41, s. 1
1892	State Reimbursement for support of an inmate at Worcester Lunatic Hospital		A. 1892, Res. 104
1893	Street Railway, authority to expand operations and change name		A. 1893, c. 346
1894	Sewers, provisions for borrowing to construct and maintain		A. 1894, c. 459
1895	Boston & Albany Railroad, abolishing certain grade crossings		A. 1895, c. 12
1896	Sewers, authorizing additional borrowing		A. 1896, c. 294
	Town Debt, authorizing bonds to refund a portion of existing debt		A. 1896, c. 57
	Highway Surveyor, authorizing election	STM 4/27/96, Art. 18	A. 1895, c. 374; G.L., c. 41, s. 1
	Sewer Commissioners, authorizing election	STM 9/30/96, Art. 8	A. 1893, c. 417; G.L., c. 41, s. 1
1897	Water Supply, authority to borrow to extend and improve		A. 1897, c. 417
1898	North Cemetery Association, incorporation		A. 1898, c. 422

Year	Legislation Subject	Town Acceptance Where Required	Citation
1899	Grade Crossing Abolition, authorizing borrowing to pay damages and expense		A. 1899, c. 82
1900	Civil Service, authorizing ATM ballot regarding civil service for police and fire departments		A. 1900, c. 133
	Schools, authorizing borrowing for building new schools		A. 1900, c. 62
1901	Charles River, regulating drawing of water below top level of dam		A. 1901, c. 529
1902	Water Supply, authority to borrow to extend system and build wells		A. 1902, c. 392
	Sewers, authority to borrow for extension		A. 1902, c. 328
1904	Maria Hayes Home for Aged Persons, incorporation		A. 1904, c. 330
	Park Commissioners, provides for election of Board	ATM 3/7/04, Art. 10	R.L., c. 28, s. 1-14; G.L., c. 45, s. 2-10
1905	Municipal Building, authority to borrow for the erection of		A. 1905, c. 439
1906	Precinct Voting, established for election of town officers and on liquor licenses	ATM 3/5/06, Art. 7	R.L., c. 11, s. 353; G.L., c. 39, s. 20
	Town Employees, providing for eight hour work day	ATM (B) 3/5/06	R.L., c. 106, s. 20; G.L., c. 149, s. 31
1907	Metropolitan Water and Sewage Board, sale of land to B & A Railroad		A. 1907, c. 575
1908	Bacon Free Library, incorporation of		A. 1908, c. 252
1909	Civil Service, placing police and fire forces under civil service	ATM (B) 3/1/09	A. 1900, c. 133; G.L., c. 31, s. 20
	Dug Pond, transferring control from Met. Water System to Park Commissioners	STM 6/8/09	A. 1909, c. 282
	Streets, authorizing appropriation for sprinkling and assessments	STM 6/8/09, Art. 8	R.L., c. 25, s. 22; G.L., c. 40, s. 16-18
1910	Water Supply, authorized borrowing to extend and improve system		A. 1910, c. 354
1911	Charles River, authorized appropriation to remove obstructions		A. 1911, c. 28

Year	Legislation Subject	Town Acceptance Where Required	Citation
1911	Charles River Dam, restricting drawing water below level of dam	ATM 3/6/11, Art. 46	A. 1901, c. 529
1912	State Reimbursement, authorized payment to Town for cow killed by shot from state rifle range		A. 1912, Res. 28
	High School Building, authorized borrowing for building high school	ATM 3/12/12, Art. 7	A. 1912, c. 11
	Pensions, provided for laborers	ATM 3/12/12, Art. 7; S.E. (B) 11/5/12	A. 1912, c. 503; G.L., c. 32, s. 77, 78A
1913	Beaver Dam Brook, for improvement by Met. Water and Sewage Board; for use of Framingham sewers by certain nearby Natick buildings		A. 1913, c. 814
	South Natick Burial Association incorporation to maintain "Old Burying Ground" on Union Street		A. 1913, c. 565
	Sewers, authority to borrow for		A. 1913, c. 547
	School Physician, appropriation for	ATM 3/11/13, Art. 7	A. 1906, c. 502; G.L., c. 71, s. 53, 54, 57, as amended
1914	School Building Use for Other Purposes, provisions for	ATM 3/17/14, Art. 55	A. 1912, c. 320; G.L., c. 71, s. 71
	Vacations, Laborers, etc. provisions for	S.E. (B) 11/3/14	A. 1914, c. 217; G.L., c. 41, s. 111
1915	Glenwood Cemetery Association incorporation		A. 1915, c. 137
	Workmen's Compensation, provided for laborers, workmen and mechanics	ATM (B) 3/1/15	A. 1913, c. 807; G.L., c. 152, s. 69-75
	State Audit of Town Accounts petitioned for by ATM 3/9/15, Art. 26		A. 1910, c. 598; G.L., c. 44, s. 35
1916	Leonard Morse Hospital incorporation		A. 1916, c. 216
	Public Market Place, north side of Middlesex Avenue designated	ATM 3/2/16, Art. 79	A. 1915, c. 119; G.L., c. 40, s. 10
	Betterments and Other Assessments, provisions for	STM 9/19/16, Art. 18	R.L., c. 50, s. 1-9, as amended; G.L., c. 80
1917	Civil Service, enabling a ballot vote on placing police and fire under		A. 1917, c. 12

Year	Legislation Subject	Town Acceptance Where Required	Citation
1919	Fire Fighters, validating town meeting vote to pay sum to fireman's widow		A. 1919, c. 147
	Building Lines, permitting establishment of where voters find desirable	ATM 3/19/19, Art. 23	A. 1917, c. 344, s. 73, part 2; G.L., c. 82, s. 37
	Director of Agriculture and Home Economics, provisions for election	ATM 3/19/19, Art. 54	A. 1918, c. 273; G.L., c. 128, s. 41
	Continuation Schools, required under certain circumstances	S.E. (B) 11/13/19	A. 1919, c. 311; G.L., c. 71, s. 21
1920	Lake Cochituate, allowing Natick residents to boat or fish thereon		A. 1920, c. 504
	Fire Fighters, validating town meeting vote to pay sum to fireman's widow		A. 1920, c. 35
	Commissioners of Public Works, abolishing Water & Sewer Commissioners and establishing	ATM 3/31/20, Art. 20	A. 1920, c. 22
	Sunday Sports, permitting	STM 6/8/20, Art. 2	A. 1920, c. 240; G.L., c. 136, s. 21-25
1921	Highway Surveyor, abolishing office and transferring duties to Commissioners of Public Works		A. 1921, c. 20
1922	Schools, authority to borrow to remodel and furnish old high school		A. 1922, c. 270
	Police, validation of town meeting vote to pay sum to policeman's widow		A. 1922, c. 434
1923	Police, Civil Service, extends civil service to regular police force	ATM (B) 3/5/23	A. 1916, c. 25
1924	Fire Department, established, under control of officer to be Chief of Fire Department	ATM 3/3/24, Art. 13	G.L., c. 48, s. 42-44
	Water Rates Collection, provisions for	ATM 3/3/24, Art. 29	G.L., c. 40, s. 42A-42F
	Board of Public Welfare, name changed from Overseers of the Poor	ATM 3/3/24, Art. 88	A. 1923, c. 26
1925	Fire Department, Civil Service, regular and permanent members placed under	ATM (B) 3/2/25	A. 1925, c. 8
	Town Accountant, Selectmen authorized to appoint	STM 10/19/25, Art. 4	G.L., c. 41, s. 55

Year	Legislation Subject	Town Acceptance Where Required	Citation
1926	Schools, Junior High School authority to borrow to build		A. 1926, c. 233
	Fire Fighters, authorizing payment to widow of fireman killed in line of duty		A. 1926, c. 344
	Building Inspector, relative to powers and duties	ATM 3/1/26, Art. 89	G.L., c. 143, s. 6-12
1927	Beaver Dam Brook, permitting improvement work to be done by Framingham		A. 1927, c. 301; amended by A. 1948, c. 216
	Fire Fighters, authorizing payment to call man injured in line of duty		A. 1927, c. 322
	Sunday Sale, Fruit, Confectionery, etc., provisions concerning	ATM 3/7/27, Art. 60	G.L., c. 136, s. 7
1929	Police, Reserve Force, establishing	ATM (B) 3/2/29	A. 1929, c. 8
	Pensions, Police and Fire Department, provisions concerning	ATM 3/2/29, Art. 12	G.L., c. 32, s. 85
	Sunday Sports, permitting certain sports and games on Sunday	ATM 3/2/29, Art. 66	A. 1928, c. 406; G.L., c. 136, s. 26-28
	Board of Survey, establishment	ATM 3/2/29, Art. 69	G.L., c. 41, s. 73, 81A
	Boxing Matches, licensing of	STM 11/19/29, Art. 5	G.L., c. 147, s. 32-47
1930	Police Department, establishment	ATM (B) 3/3/30	G.L., c. 41, s. 97
	Town Forest, Town Farm set aside as	ATM 3/3/30, Art. 84	G.L., c. 45, s. 19-23
1931	Police Chief, Civil Service, placing office under	ATM (B) 3/2/31	A. 1931, c. 8
	Police and Fire Fighters Vacations, provisions concerning	ATM 3/2/31, Art. 10	A. 1929, c. 206
	Zoning By-Laws, established as Chap. 17 of Building Code	ATM 3/2/31, Art. 61	G.L., c. 40, s. 25
1932	Worcester Turnpike, revoked street railway rights		A. 1932, c. 285
1933	National Guard Depot, provides for purchase by State Armory Commissioners		A. 1933, c. 205
1934	Sewers, amends A. 1884, c. 459, concerning construction and maintenance		A. 1934, c. 35

Year	Legislation Subject	Town Acceptance Where Required	Citation
1934	Charles River, authorized borrowing to build and maintain dam		A. 1934, c. 80
1936	Lake Cochituate, authorizing study regarding boating and fishing		A. 1936, Res. 18
	Public Welfare Agent, to put question of civil service		A. 1936, c. 292
	Building Inspector, placed under civil service	ATM (B) 3/2/36	A. 1936, c. 19
	Contributory Retirement, establishment for town employees	S.E. (B) 11/3/36	G.L., c. 32, s. 26-31H
1937	Fire Department, call men placed under civil service	ATM 3/16/37, Art. 52	G.L., c. 31, s. 48
	Planning Board, established new type	STM 6/1/37, Art. 5	G.L., c. 41, s. 81A
	Retirement, town employees who are veterans allowed retirement for disability after ten years of service	S. 6/28/37	G.L., c. 32, s. 56-59
1938	Selectmen, places three year term question on ballot		A. 1938, c. 1
	Representative Town Meeting, provides enabling act		A. 1938, c. 2
	Metropolitan Water District, provides payment for damage caused in Natick		A. 1938, c. 460
1941	Schools, authority to borrow for high school auditorium		A. 1941, c. 8
1942	Bicycles, requires registration of	ATM 3/2/42, Art. 34	A. 1941, c. 710; G.L., c. 85, s. 11A
1943	Old Age Assistance, provides state reimbursement for		A. 1943, c. 572 and Res. 28
	Lake Cochituate, allowing use for bathing		A. 1943, c. 327
1943	Tree Warden, changed term of office to three years	STM 4/13/43, Art. 7	G.L., c. 41, s. 1
1945	Police, provides one day off in six	STM 10/2/45, Art. 17	G.L., c. 147, s. 16B
	Recreation Commission, established	STM 10/2/45, Art. 21	G.L., c. 45, s. 14
1946	Retirement, relative to two employees in Department of Public Works		A. 1946, c. 224
	Veterans' Services, provides for Director; concerns soldiers' relief and rehabilitation	ATM 3/4/46, Art. 62	A. 1946, c. 599, s. 2; G.L., c. 115, s. 10

Year	Legislation Subject	Town Acceptance Where Required	Citation
1946	Vacations, giving vacation rights to returning veterans who were town employees	S. 11/21/46	A. 1945, c. 447
	Veterans' Funerals, permitting town employees who are veterans to attend without loss of pay	S. 11/21/46	G.L., c. 41, s. 111C
	Housing, Variances to Increase, permitting Board of Appeals to grant variances to alter buildings for more housing	S. 11/21/46	A. 1946, c. 592
1947	Retirement, concerning moth department employee injured in line of duty		A. 1947, c. 136
	Lake Cochituate, transfer of lake and adjoining lands from MDC to State Dept. of Conservation, Selectmen to advise		A. 1947, c. 557
	Pensions, increasing yearly pensions for certain town employees	ATM 3/3/47, Art. 61	A. 1946, c. 559
	Collector of Taxes, provides for three year term of office	ATM 3/3/47, Art. 64	G.L., c. 40, s. 1
	Zoning, restricts reconsideration of rejected proposed zoning changes for two years	ATM 3/3/47, Art. 71	G.L., c. 40, s. 27A
	Bowling Alleys, authorizes Selectmen to grant licenses for Sunday operation	ATM 3/3/47, Art. 83	A. 1946, c. 207
	Parking Meters, authorizes Selectmen to buy, install and maintain	STM 11/18/47, Art. 2	A. 1947, c. 442, s. 1; G.L., c. 40, s. 22A
1948	Commissioners of Public Works acquired powers of Selectmen and Surveyors of Highways relative to public ways, shade trees, etc.		A. 1948, c. 114
	Beaver Dam Brook, permitting improvement by Framingham, amends A. 1927, c. 301		A. 1948, c. 216
	Fire Department, authorizes appointment of certain call men to regular force	ATM (B) 3/2/48	A. 1947, c. 147
	Housing Authority, authorizes organization of	STM 10/5/48, Art. 1	G.L., c. 121, s. 26K
1949	Representative Town Meeting, extends time for acceptance of enabling act		A. 1949, c. 10
	Schools, authorizes borrowing for school building purposes		A. 1949, c. 23

Year	Legislation Subject	Town Acceptance Where Required	Citation
1949	Police Department, provisions relative to establishment of	ATM 3/7/49, Art. 46	G.L., c. 41, s. 97A
	Police and Fire Departments, authorizes appropriation for purchase of uniforms	STM 5/17/49, Art. 31	G.L., c. 40, s. 6B
	Selectmen, term of office increased to three years	STM 5/17/49, Art. 30	G.L., c. 41, s. 1
	Inspector of Animals, Board of Health given authority to name	STM 5/17/49, Art. 32	G.L., c. 129, s. 15
1950	Conservation Department, given authority to construct recreation facilities on Commonwealth Road		A. 1950, c. 650
	Town Clerk, present incumbent given life tenure	ATM (B) 3/6/50	A. 1950, c. 87
1951	Pensions, increases pensions of certain town employees	ATM 3/5/51, Art. 58	A. 1950, c. 820
	Schools, authorized increased borrowing for school purposes, amending A. 1949, c. 23		A. 1951, c. 29
	Conservation Department, authorized to acquire land adjacent to Cochituate State Park		A. 1951, c. 513
	Sewers, enabling Natick to enter South Metropolitan Sewer District system upon acceptance		A. 1951, c. 508
	Snow Removal, authorizing snow and ice removal from sidewalks	STM 6/5/51, Art. 23	G.L., c. 40, s. 7
	Retirement, concerning retirement of certain members of police and fire departments	STM 6/5/51, Art. 22	G.L., c. 32, s. 85E
1952	Schools, increasing to \$5,000,000 borrowing authorized for school purposes, amending A. 1949, c. 23		A. 1952, c. 1
	Town Park, authorized use of Town Park for school purposes		A. 1952, c. 8
	Conservation Department, regarding expenditure in Commonwealth Road area		A. 1952, c. 496
	Sewers, authorizing special payment for certain sewers in West Natick, authorizing appropriation for at 1952 Town Meeting		A. 1952, c. 132
	Representative Town Meeting, permitting referendum on presidential election ballot in 1952		A. 1952, c. 7

Year	Legislation Subject	Town Acceptance Where Required	Citation
	Sewers, granting easement on state land for sewer construction		A. 1952, Res. 19
1952	Snow Removal, authorizing snow removal from private ways under certain conditions	ATM (B) 3/3/52	G.L., c. 40, s. 6C
	Private Ways, relative to making temporary minor repairs on private ways	ATM 3/3/52, Art. 40	G.L., c. 40, s. 6E
	Pensions, increasing pensions of certain town employees	STM 4/15/52, Art. 41	A. 1951, c. 781
	Representative Town Meeting established	S.E. (B) 11/3/52	A. 1938, c. 2
1953	Town Meeting Members at large	ATM 3/10/53, Art. 3	A. 1938, c. 2, s. 3
	Five-day week for police	ATM 3/17/53, Art. 35	G.L., c. 147, s. 16C
	Life Insurance for Town Employees	STM 4/15/53, Art. 46	G.L., c. 40, s. 5 (44); G.L., c. 175, s. 133-138A
	Pension increases	STM 4/15/53, Art. 47	A. 1952, c. 624
	Natick entrance in South Metropolitan Sewer District	STM 4/15/53, Art. 54	A. 1951, c. 508
	Employee retirement	STM 7/14/53, Art. 3	A. 1953, c. 127
1954	Park land use for school purposes	ATM 3/23/54, Art. 14	A. 1954, c. 27
	Town Meeting, filling membership vacancies (Original act, without this amendment, published in 1953 Town Report, p. 14)	STM 4/27/54, Art. 67	A. 1954, c. 25
	Non-Partisan Preliminary Elections (Act published in 1954 Town Report, p. 13)	S.E. (B) 11/8/54	A. 1954, c. 451
1955	Police and Firemen, retirement, reserve and call service	ATM 3/23/55, Art. 73	A. 1954, c. 268
1956	Pension increases	ATM 3/27/56, Art. 55	A. 1955, c. 670
	Housing for Elderly	ATM 3/27/56, Art. 57	A. 1954, c. 667
1957	Water Pipe Assessments	ATM 3/20/57, Art. 30	G.L., c. 40, s. 42G-I
1958	School Committee, membership enlarged	ATM 3/25/58, Art. 38	G.L., c. 41, s. 1
	Police reserve force increased		A. 1958, c. 488

Year	Legislation Subject	Town Acceptance Where Required	Citation
1959	Continuation of Kindergartens as a part of public school system	ATM (B) 3/2/59	A. 1959, c. 28
1960	General Group Blanket Insurance, employee coverage (See also 1968 acceptance ballot)	ATM (B) 3/7/60	G.L., c. 32B
	Combine Park Dept. and Recreation Commission	ATM (B) 3/7/60	A. 1960, c. 38
	Employees' advances for vacation pay	ATM 3/31/60, Art. 20	G.L., c. 44, s. 65
	Pension increases, former public employees	ATM 3/31/60, Art. 41	A. 1959, c. 493
	Pension increases, former police and fire	ATM 3/31/60, Art. 42	A. 1957, c. 427
1961	Pension increases, former public employees	ATM 3/21/61, Art. 21	A. 1960, c. 647
	Stabilization Fund, establishment of	ATM 3/21/61, Art. 22	G.L., c. 40, s. 5B
	Conservation Commission, establishment of	STM 6/13/61, Art. 13	G.L., c. 40, s. 8C
1962	Pension increases, former public employees	ATM 3/20/62, Art. 22	A. 1961, c. 552
	Pensions for police, fire and widows	ATM 4/3/62, Art. 39	G.L., c. 32, s. 85J
1963	Pension increase, former public employees	ATM 3/21/63, Art. 22	A. 1962, c. 646
	Recreation Commission to purchase land from Commonwealth on Speen Street	ATM 3/28/63, Art. 44	A. 1962, c. 461
	Extension of Workmen's Compensation to cover all Town employees	ATM 3/28/63, Art. 51	G.L., c. 152, s. 69
	Jaywalking Law	STM 10/22/63, Art. 4	A. 1962, c. 409, s. 1
1964	Pension increases, former public employees	ATM 3/12/64, Art. 25	A. 1963, c. 478
	Water supplied to certain inhabitants of the Town of Wayland	ATM 3/31/64, Art. 69	A. 1963, c. 88
	Establishment of Office of Comptroller	STM 11/24/64, Art. 1	A. 1964, c. 181
1965	Pay one-half (1/2) Insurance Premium for Group Insurance of retired employees	ATM (B) 3/1/65	G.L., c. 32B, s. 5, 9A
	Pension and Retirement allowances to certain former employees	ATM 3/11/65, Art. 22	A. 1964, c. 486
	Unit method of apportioning sewerage construction costs by Department of Public Works	ATM 3/23/65, Art. 31	A. 1965, c. 155

Year	Legislation Subject	Town Acceptance Where Required	Citation
1966	Pay one-half (½) Insurance Premium for Group Insurance of retired employees	ATM (B) 3/7/66	G.L., c. 32B, s. 5, 9A
1967	Leonard Morse Hospital, Chapter 216, Acts of 1916 (amended), first sentence of Section 2 amended by striking out the words "Three Hundred Thousand" and inserting in place thereof the words "Ten Million"	STM 2/21/67	A. 1967, c. 171
	Pay one-half (½) Insurance Premium for Group Medical for the retired elderly employees	ATM (B) 3/6/67	G.L., c. 32B, s. 11B
	Moderator, term changed from one to three years	ATM 3/16/67, Art. 24	A. 1967, c. 520
	Town Clerk and Town Treasurer, term changed from one to three years	ATM 3/16/67, Art. 25	G.L., c. 41, s. 51
	Town Historical Commission, establishment of (Organized under STM 3/30/67, Art. 5)	STM 3/30/67, Art. 4	G.L., c. 40, s. 8D
	Adopt Town of Natick By-Laws, as amended	ATM 4/4/67, Art. 85	
1968	Additional Group Life Insurance and Group Accidental Death Insurance for Town employees	ATM (B) 3/4/68	G.L., c. 32B
	Urban Redevelopment Authority, establishment of	ATM 3/26/68, Art. 49	G.L., c. 121, s. 26QQ
	Workmen's Compensation, extension of coverage to certain elected or appointed Town officers	ATM 3/28/68, Art. 68	A. 1966, c. 401
	Reimbursement to certain police officers for expenses incurred in obtaining writ of mandamus	STM 4/9/68 Art. 3	A. 1967, c. 800
1969	State Assessment System, installation of	ATM 3/20/69, Art. 31	G.L., c. 58, s. 7A
	Pensions & Retirement Allowances, increases for certain former public employees	ATM 3/25/69, Art. 33	A. 1968, c. 138
	School Department, permission to designate attorney for collective bargaining	ATM 3/25/69, Art. 61	A. 1968, c. 633; G.L., c. 149, s. 178I
	Council on Aging, establishment of	ATM 3/25/69, Art. 63	G.L., c. 40, s. 8B
	Permission for police officers to send delegates to Annual Convention of Massachusetts Police Association without loss of pay	ATM 3/25/69, Art. 76	G.L., c. 147, s. 17D
	Annuity granted to certain former Town employees not under provisions of retirement act	STM 4/10/69 Art. 17	G.L., c. 32, s. 95
1970	Accidental Disability Retirement Allowance for former public employees	ATM 3/17/70, Art. 43	

Year	Legislation Subject	Town Acceptance Where Required	Citation
	Natick Housing Authority, further housing for elderly persons	ATM 3/19/70, Art. 58	A. 1954, c. 667
1970	Appropriation for aquatic nuisance control, Lake Cochituate, in conjunction with Wayland and Framingham	STM 4/14/70, Art. 3	A. 1969, c. 722
	Payment of medical expenses of fire fighter injured in line of duty, 12/16/53	STM 4/14/70, Art. 4	
	Reimbursement to former public employee of one-half medical premiums paid by him	STM 4/14/70, Art. 6	
	Reimbursement to retired Town employees of 1/2 of Medicare premiums (Accepted by ballot in 1960 and 1968)	STM 4/14/70, Art. 7	G.L., c. 32B, s. 11C
1973	Authorizing Board of Selectmen to establish Tow-Away Zone Regulations	ATM 3/20/73, Art. 29	G.L., c. 40, s. 22D
	Revolving Fund for Police Officers receiving off-duty pay	ATM 3/22/73, Art. 60	G.L., c. 44, s. 53C
1974	Authorizing Town to distribute certain insurance dividends	ATM (B) 3/4/74	G.L., c. 32B, s. 8A
	Authorizing Town to pay one-half (1/2) premium costs payable by surviving spouse of an employee or retired employee for group general or blanket hospital, surgical, medical and other hospital insurance	ATM (B) 3/4/74	
1975	Amending quota Town Meeting Membership (Amended first paragraph)	STM 6/5/75, Art. 17	A. 1938, c. 2, s. 3
1977	Establishing Regional School District	Spec. Ref. 3/7/77	G.L., c. 71, s. 16-16I
1978	Establishing Industrial Development Financing Authority	ATM 4/4/78, Art. 29	G.L., c. 40D, s. 2
	School Committee, authority to establish Revolving Fund	STM 4/11/78, Art. 3	G.L., c. 71, s. 71E
	Recreation Commission, authority to establish revolving fund.	STM #3 5/30.78, Art.14	A.1977, c.665
1979	Making certain unpaid annual sewer charges a tax lien	ATM 3/29/79, Art. 24	A. 1977, c. 586; G.L., c. 83, s. 16A-16F
	Authorizing Treasurer to act as Collector of Taxes	ATM 4/3/79, Art. 39	

Year	Legislation Subject	Town Acceptance Where Required	Citation
1981	Authorizing Town Clerk to set fees charged for issuing and recording of certain documents	ATM 4/7/81, Art. 6	G.L., c. 262, s. 34
	Authorization of Rescue Fee Charge	STM 4/28/81, Art. 6	
1981	Indemnification of public employees for one million dollars	STM 11/3/81, Art. 12	A. 1981, c. 339
	Established new schedule of fees for Board of Health, Police Dept., Sealer of Weights & Measures and the Board of Selectmen	STM 11/3/81, Art. 13	
1982	Authorizing parking for vehicles of veterans and handicapped persons	ATM 4/20/82, Art. 8	A. 1981, c. 644
	Authorizing Selectmen to appoint Parking Clerk	ATM 4/20/82, Art. 9	G.L., c. 90, s. 20A½
	Authorizing payment of retirement allowance pending approval	ATM 5/4/82, Art. 48	G.L., c. 32, s. 99
	Authorizing reorganization of certain Town Departments	ATM 10/7/82, Art. 14	
	Dissolve Natick Redevelopment Authority	ATM 10/12/82, Art. 33	G.L., c. 121B, s. 4
	Nudity or partial nudity in licensed premises	ATM 10/12/82, Art. 34	G.L., c. 138, s. 12B
	Fire regulations	ATM 10/12/82 Art. 35	G.L., c. 148, s. 26C
	Raising fees for automatic amusement devices	ATM 10/12/82, Art. 40	G.L., c. 140, s. 177A
1983	Recreation Dept. and Youth & Human Resources merged into Recreation and Human Services Department in compliance with Natick Home Rule Charter, Art. 6, Sec. 6-1	ATM 4/5/83, Art. 1	
	Transfer of bridges to the Commonwealth of Mass.	ATM 4/7/83, Art. 28	
	Exempt motor vehicle excise for former POW	ATM 10/4/83 Art. 8	A. 1982, c. 597, s. 5
	Exemption for elderly persons	ATM 10/4/83 Art. 9	A. 1982, c. 653, s. 5; G.L., c. 59, s. 5, cl. 41B
	Exemption for blind	ATM 10/4/83 Art. 10	A. 1982, c. 653, s. 3; G.L., c. 59, s. 5, cl. 37A

Year	Legislation Subject	Town Acceptance Where Required	Citation
1984	Procedures for awarding contracts	ATM 4/5/84, Art. 33	G.L., c. 40, s. 4G
1985	Impose local excise tax on hotels, lodging houses and motels	ATM 10/3/85, Art. 4	A. 1985, c. 145, s. 6; G.L., c. 64G, s. 3A
1986	Professional development grant for teacher compensation	STM 1/14/86, Art. 1	A. 1985, c. 188, s. 13
	Quinobin	STM 1/14/86, Art. 2	A. 1985, c. 188, s. 13
	Natick School Committee	ATM 10/7/86, Art. 10	A. 1983, c. 663
	An act providing relief from the impact of revaluation	ATM 10/7/86, Art. 11	A. 1986, c. 73; G.L., c. 59, s. 5, cl. 17D, 41C
1988	Fee structure for Fire Department	ATM 4/12/88, Art. 38	G.L., c. 148, s. 10A
	Fees for sealing, weighing, and measuring devices	ATM 4/12/88, Art. 41	G.L., c. 98, s. 56
	Smoke detectors and sprinklers in certain buildings	ATM 4/12/88, Art. 42, 43, 44	G.L., c. 148, s. 26E, 26G, 26H
	Minimum salary for teachers	STM 6/7/88, Art. 4	A. 1988, c. 727, s. 11; G.L., c. 71, s. 40
1989	Handicapped Commission	ATM 4/6/89, Art. 27	G.L., c. 40, s. 8J
	Licenses and permits of delinquent taxpayers	ATM 10/3/89, Art. 3	G.L., c. 40, s. 57
1990	Recycling program	ATM 4/17/90, Art. 25	G.L., c. 40, s. 4A, 8H
	Out-of-district tuition revolving fund	ATM 4/17/90, Art. 35	G.L., c. 71, s. 71F
	Quarterly tax bills	ATM 4/17/90, Art. 36	A. 1989, c. 653, s. 41
	Retirement board	ATM 4/19/90, Art. 41	G.L., c. 32, s. 22D
1991	911 service	ATM 4/2/91, Art. 34	A. 1990, c. 291
1992	Retirement board	ATM 4/21/92, Art. 40, 41	G.L., c. 32, s. 90G ³ / ₄ , 90J
	Abatement of property tax under \$10.00	STM 6/16/92, Art. 16	A. 1991, c. 281; G.L., c. 60, s. 2
	Handicapped Commission	ATM 10/8/92, Art. 18	A. 1991, c. 390; G.L., c. 40, s. 8J
1993	Municipal buildings insurance fund	ATM 4/13/93, Art. 15	G.L., c. 40, s. 13

Year	Legislation Subject	Town Acceptance Where Required	Citation
	Set fees	ATM 4/13/93, Art. 16	G.L., c. 40, s. 22F
	Early retirement incentive	STM 6/22/93, Art. 1	A. 1992, c. 399; A. 1992, c. 133, s. 48
1994	Early retirement incentive for teachers	ATM 4/12/94, Art. 10	A. 1993, c. 71, s. 83
1995	Council on Aging revolving fund for transportation program	ATM 4/11/95, Art. 27	G.L., c. 44, s. 53E½
	Designating Cochituate Street Bridge the Anthony and Francis Culcasi Memorial Bridge		A. 1995, c. 145
1996	Early retirement for employees of Municipal Retirement Board	ATM 4/11/96, Art. 17	A. 1995, c. 38, s. 246
1997	Program of educational incentives to police officers	ATM 4/8/97, Art. 7	G.L., c. 41, s. 108L
	Exemption of the value of improvements to residential property to provide housing for a person at least 60 years of age	ATM 4/10/97, Art. 13	A. 1986, c. 200; G.L., c. 59, s. 5, cl. 50
	Optional additional property tax exemptions	ATM 4/10/97, Art. 14	A. 1986, c. 73, s. 4
	Increase gross receipts for exemptions (elderly persons)	ATM 4/10/97, Art. 16	G.L., c. 59, s. 5, cl. 41A
	Public employees creditable retirement time for active service in the armed forces	ATM 4/17/97, Art. 42	A. 1996, c. 71
	Authorize payment by Retirement System out of investment earnings, cost of living allowances to retired members of the Natick Retirement System	ATM 10/9/97, Art. 21	A. 1997, c. 17
1998	Regulation of Dog Licensing Fees, paid into the general fund	ATM 4/28/98, Art. 24	G.L., c. 140, s.147A
	Authorize the Town of Natick to permit municipal taxpayers to donate and pledge one dollar to aid elderly and disabled	STM 12/15/98, Art. 11	A. 1998, c. 166; G.L., c. 60, s. 3D
1999	Provides for taxing certain improved real property based on its value at the time on occupancy permit is issued	ATM (B) 3/30/99	G.L., c. 59, s. 2D
	Accept changes made on the "Option [C] Pop-Up" provision of G.L., c. 32, s. 12 (2) (c)	ATM 4/15/99, Art. 23	A. 1998, c. 194, s. 288; G.L., c. 32, s. 12 (2) (c)

Year	Legislation Subject	Town Acceptance Where Required	Citation
	Would permit the Town to elect to provide annual cost of living adjustments to former employees, spouses or beneficiaries	ATM 4/15/99, Art. 24	A. 1998, c. 456, s. 3; G.L., c. 32, s. 103, par. H
2000	To allow persons over the age of 60 volunteer to provide services in exchange for a reduction of the real estate tax	ATM 4/27/00, Art. 26	G.L., c. 59, s. 5K
2000	Allows by local option a cost of living adjustment (COLA) up to a maximum of 3% (on the first \$12,000 of the retirement allowance)	ATM 4/27/00, Art. 28	A. 1999, c.127, s. 51; G.L., c. 32, s. 103, par. I
	Provides additional compensation for Town Clerk upon certification	ATM 10/3/00, Art. 12	A. 1999, c. 170, s. 1; G.L., c. 41, s. 19K
2001	Maximum entrance age for police officer and firefighter	ATM 4/24/01, Art. 35	G.L., c. 31 s. 58A
2002	Water and sewer enterprise fund	ATM 4/9/02, Art. 2	G.L., c. 44, s. 53F½
	Mutual aid programs for Police Departments	ATM 4/23/02, Art. 27	G.L., c. 40, s. 8G
2004	Compensation for Town employees called to active service in the military	ATM 4/13/04, Art 32	A. 2003, c. 137, s. 1
2005	Community Preservation Act	ATM 11/1/05, Art 21	G.L. c.44B, s.3 thru 7

**DECISIONS OF THE SUPREME JUDICIAL COURT
IN CASES IN WHICH THE TOWN OF NATICK WAS A PARTY**

Medway v. Natick, 7 Mass. 87 (1810)

Welfare case defining a "mulatto".

Dedham v. Natick, 16 Mass. 135 (1819)

Welfare case; outlines the early history of Natick.

Adams v. Natick, 95 Mass. (13 Allen) 429 (1866)

Concerns lack of a railing as a defect in a public highway.

Drury v. Natick, 92 Mass. (10 Allen) 169 (1865)

Town having accepted a legacy to establish a library cannot reconsider later.

Doon v. Natick, 171 Mass. 229 (1898)

Concerns a railroad slope easement to eliminate the grade crossing at Cochituate Street.

Natick Gas Light Co. v. Natick, 175 Mass. 246 (1900)

Concerns discontinuance of a public way and the payment of damages to one whose land is thereby diminished in value.

Morse v. Natick, 176 Mass. 510 (1900)

Declares valid a perpetual trust to Town to preserve monument to Collins Morse in Dell Park Cemetery, although no longer owned by the Town.

Sweeney v. Natick, 202 Mass. 539 (1909)

A. 1900, c. 133 putting police under Civil Service not properly accepted on March 1, 1909, by vote in precincts authorized by G.L., c. 11, s. 353, accepted by Town March 22, 1906.

Natick v. Boston & Albany Ry., 210 Mass. 229 (1911)

St. 1906, c. 463, Part I, s. 38 and Commissioners in abolition of grade crossing over North Main Street, required railroad to maintain and repair framework and abutments of the bridge and Town to care for hard pine underfloor and spruce plank wearing surface.

McCoy v. Natick, 223 Mass. 322 (1916)

Facts did not show \$677.90 in hands of Town as trustee, and on deposit in Natick Five Cents Savings Bank as of November 1, 1914, and lands and buildings, to maintain monument to Collins Morse, was excessive and unnecessary.

McCoy v. Natick, 237 Mass. 99 (1921)

Perpetual trust for monument to Collins Morse not defeated because he was buried and the monument was erected on a lot belonging to his executrix whose heirs forbid the Town to perform the trust.

Jones v. Natick, 276 Mass. 567 (1929)

Taxpayers bill defeated vote of Town to pay a sum of money to compromise claim for overtime by a former employee.

Treas. & Rec'r. General v. Natick, 320 Mass. 715 (1947)

Settlement for aid not in Natick.

Bureau of Old Age Assistance of Natick. v. Commissioner of Public Welfare, 326 Mass. 121 (1950)
Natick not responsible for aid under an invalid regulation.

Church v. Building Inspector of Natick, 343 Mass. 266 (1961)
A landowner could not compel the Building Inspector to issue a permit for the construction of a dwelling until he had exhausted his remedy of appeal as authorized by statute and by Town Building Code.

Mahoney v. Attorney General, 346 Mass. 709 (1964)
Held that the Trustees of the Leonard Morse Hospital had the power to limit or prohibit investigation which the Hospital Needs Committee sought to make in conjunction with the right of the Town to appropriate money to a hospital which was a public charity.

Commonwealth v. Sostilio, 351 Mass. 419 (1966)
The Town of Natick was authorized to impose criminal penalty for violation of provision of its Zoning By-Laws.

United Reis Homes, Inc. v. Planning Board of Natick, Mass. 270 N.E.2d 402 (June 1971)
Held that the Planning Board had the power to incorporate the reasonable recommendations of the Board of Health in its approval of the Sub-division.

Natick, Town of v. Joseph Sostilio & Another, Mass. 264 N.E. 2d 664 (December 1970)
The defendants are permanently enjoined from using their premises for purposes of operating trucking business or storing trucks in violation of the Zoning By-Laws even though they were found not guilty in a prior criminal proceeding.

Walker, Paul W. et al v. Town of Natick, et al (October 1980) Civil Action No. 80-1867

District Attorney for the Northern District v. the Board of Trustees of the Leonard Morse Hospital., 389 Mass. 729 (1983)