

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 Recycling Center 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 plowing 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 reclaim 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 connections with a public way, the entire cost of the construction 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, provide however that this sections shall not apply to a subdivision of land under Section 81 of Chapter 41 of the General Laws as amended.

Section 7 Tank and/or Contaminated Soil Betterment

a. Basic Requirements

The Select Board 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 paragraph 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.

Section 8 Private Ways

Snow and Ice Removal

The Town may remove snow and ice from such private ways for emergency vehicle access in accordance with Massachusetts General Laws and Select Board regulations and policies.

Barriers

Barricades, obstacles, or vehicles on private ways that are a barrier to prompt appropriate emergency access shall be removed on order of the Police or Fire Chief, at the expense of the owner or owners of the private way. However, if the barrier is a vehicle, it shall be removed on order of the Police or Fire Chief and at the expense of the owner of the vehicle.

Temporary Repairs

The Town may perform temporary repairs to private ways that have been open to the public for a period of at least six (6) years. The Town may only perform temporary repairs in accordance with regulations and policies issued by the Select

Board and that are determined by the Director of Public Works to be required for public necessity. Said temporary repairs shall be considered necessary if they abate an immediate hazard. They shall not be considered as maintenance of the private way nor shall the way be considered a public way. Cash deposits or payments shall not be required and betterment charges shall not be assessed for said temporary repairs.

The Town shall not be liable for any damage to private property caused by such repairs, except as otherwise provided by law. The Town shall not incur any liability whatsoever on account of action or inaction resulting pursuant to this By-Law.