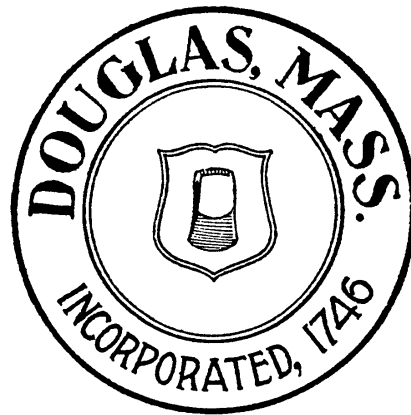


\$10.00

# Town of Douglas



# General Bylaws

## **TOWN OF DOUGLAS GENERAL BYLAWS**

Adopted: January 1, 1974  
Revised: May, 2006



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## **NON-CRIMINAL DISPOSITION**

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

Without intending to limit the generality of the foregoing, it is the intention of this provision the following bylaws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases and that in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel listed for each section, if any, shall also be enforcing persons for such sections. Each day on which any violation exists shall be deemed to be a separate offense. (\*Adopted under Article 17 at the Annual Town Meeting held on May 16, 1998, and approved by the Attorney General on July 27, 1998.)

## **ARTICLE 1: TOWN MEETINGS**

### **SECTION 1: ANNUAL TOWN MEETING**

The annual town meeting for the election of officers and for voting upon such matters as are required to be placed upon the official ballot shall be held on the second Tuesday of May in each year. The annual town meeting for the transaction of business shall be held the first Monday in May of each year at an hour no earlier than 6:00 pm and to adjourn no later than 10:00 pm. If action on the articles in the warrant for such a meeting shall not be completed on said Monday, the meeting shall be adjourned from day to day thereafter (Saturdays, Sundays and holidays excepted) until such business is completed. (\*Adopted under Article 19 at the Annual Town Meeting held on May 17, 1999, and approved by the Attorney General on September 9, 1999.) (Amended under Article 14 at the Annual Town Meeting held on May 17, 2005, and approved by the Attorney General on September 7, 2005.)

### **SECTION 2: SPECIAL TOWN MEETING**

Special town meetings may be called from time to time in accordance with the General Laws of the Commonwealth. If action on the articles in the warrant for a special town meeting is not completed on the day for which the meeting is called, the meeting shall be adjourned to such other day as may be determined by vote of said meetings.

### **SECTION 3: REQUEST FOR SPECIAL TOWN MEETING**

On the written request of two hundred registered voters or twenty per cent of the total number of registered voters, whichever is less, the Selectmen shall call a special town meeting to be held within forty-five days of the receipt of such request for vote by official ballot on the acceptance or rejection of the question or questions presented in said written request which are not otherwise prohibited by law from being the subject of a referendum vote. The hours for voting at such meeting shall be established by the Selectmen in accordance with the law governing the conduct of town elections. The question or questions appearing on the official ballot shall be in such form as the Town Counsel shall determine and certify to the Town Clerk.

### **SECTION 4: LEGAL NOTIFICATION**

Legal notification of an annual or special town meeting and legal service of the warrant therefor shall be effected by posting attested copies of the warrant in the Municipal Center and at two other places in the town to which the public has general access.

### **SECTION 5: WARRANT**

The warrant for every annual town meeting shall include every article submitted to the Selectmen on or before the last Friday in March in each year by (i) ten or more voters, or (ii) the head of any town department, any elected town officer or town board, relating to the area of responsibility of such department head, officer, or board; and such other articles as are required by law or determined by the Selectmen for inclusion. Except as otherwise required by law, no action shall be taken at any town meeting with respect to a report of any committee unless an article with respect thereto shall have been included in the warrant.

### **SECTION 6: ORDER OF BUSINESS**

The first order of business at any town meeting shall be the reading by the Town Clerk of the articles in the warrant therefor, unless such reading is waived by a majority vote of the meeting. No business at any town meeting shall be conducted prior to ten o'clock in the morning except the reading or waiving of reading of said articles and the opening of the polls and the conduct of voting for election of officers and upon matter required by law to be determined by ballot. Articles in the warrant shall be acted upon in the order in which they stand, unless otherwise determined by a two-thirds vote of the meeting.

### **SECTION 7: QUORUM**

A quorum for the conduct of business at any town meeting other than the election of town officers or a vote on a matter required by law to be determined

by ballot, shall consist of fifteen registered voters provided however a number less than a quorum may take action with respect to adjournment.

### **SECTION 8: VOTING AT TOWN MEETING**

Except as otherwise provided by law or by Section 3 of this Article, the vote of a majority of those qualified to vote, in attendance, and voting at any town meeting for the transaction of business shall determine the adoption or rejection of any question considered by the meeting. The sense of a meeting on any matter shall first be taken by voice vote. If any seven voters question the result announced by the Moderator, a standing vote shall be taken and determined by counters appointed by the Moderator. A vote by ballot shall be taken upon the rising to question the result of the standing vote by the voters numbering not less than one-third of the number reported to have participated in the standing vote.

### **SECTION 9: RECONSIDERATION**

Reconsideration on any matter determined by voice vote or standing vote may be had by a motion therefor submitted to the Moderator prior to completion of action on the article in the warrant acted upon next subsequent to the article sought to be reconsidered. Said motion for reconsideration and reconsideration, if any, shall then become the next order of business.

### **SECTION 10: ROBERT'S RULE OF ORDER**

The conduct of any town meeting shall be in accordance with Robert's Rules of Order, except as inconsistent with law or these Bylaws. During consideration of any article, motions may be made to adjourn, to move the previous question, to postpone indefinitely or to a definite time and shall be decided without debate and in the order stated. Motions to commit, to amend and to entertain a substitute motion may be made, and shall be debated and acted upon in that order. Action on a motion to adjourn shall not have the effect of dissolving a meeting unless prior thereto all articles on the warrant have been fully determined.

### **SECTION 11: MOTIONS**

All motions, except such as are procedural in nature, shall be submitted in writing. No person shall speak a second time upon any question until others who have not spoken have had the opportunity to do so, provided however the Moderator may permit a previous speaker to amend or explain his remarks. The floor of the meeting shall be reserved exclusively for eligible voters, except as to persons invited by vote of the meeting, to be present for the purpose of providing information to the meeting. All persons present at a meeting shall be seated except when addressing the chair, participating in a standing vote or leaving the meeting.

## **SECTION 12: RECORDING TOWN MEETINGS**

The Annual Town Meeting and any and all Special Town Meetings held throughout the year, shall be recorded electronically for future broadcast on Local Cable Access, and shall be archived for future reference. (Amended under Article 33 at the Annual Town Meeting held on May 19, 2003, and approved by the Attorney General on August 6, 2003.)

## **ARTICLE 2: ADMINISTRATION AND FINANCE**

### **SECTION 1**

**(a)** The **Selectmen** shall act as town agents and shall have authority to appoint all town officers not required by law to be elected, except such officers whose appointment is otherwise provided for by these bylaws or by vote of a town meeting. They shall appoint a Clerk who shall keep a permanent record book in which all their votes, orders and proceedings shall be recorded in order of occurrence.

**(b)** The Selectmen shall appoint a **Town Counsel** who shall act as attorney and legal counsel for the town and its various departments, officers, boards and committees, to institute and prosecute legal actions in the name of the town; to defend legal actions brought against the town; and, subject to the availability of funds for the purpose, to compromise and settle actions and claims against the town, as authorized by the Selectmen not inconsistent with any vote of the town. Said Town Counsel shall serve at the pleasure of the Selectmen.

**(c)** The Selectmen shall appoint a **Town Accountant** who shall perform the duties and possess the powers of Town Auditor as provided by law. The Selectmen annually shall request an audit of the town's accounts by the Director of Accounts as authorized by law.

**(d)** The Selectmen shall make such rules and regulations as they shall deem appropriate, consistent with law and these bylaws, for the government and discipline of the Police Department and for the regulation of motor vehicle traffic and parking in the town.

**(e)** A **Council on Aging** for the town is hereby established for the purpose of coordinating and/or carrying out programs designed to meet the problems of aging in coordination with programs of the Commonwealth of Massachusetts Department of Elder Affairs. The Council shall have all the powers and duties as set forth in the provisions of the General Laws, Chapter 40, Section 8B, and any amendment thereto. The Selectmen shall annually appoint no less than seven (7) nor more than eleven (11) members to said Council. (\*Adopted under Article 10 at the Annual Town Meeting held on Saturday, May 17, 1975 and approved by the Attorney General on August 25, 1975.)

## **SECTION 2**

The **Collector of Taxes** may use all means of collecting taxes which the Town Treasurer may use when appointed a Collector of Taxes and in addition thereto may collect water and sewer use payments charged by the Water and Sewer Departments respectively. (\*Adopted under Article 18 at the Annual Town Meeting held on May 16, 1981 and approved by the Attorney General on August 17, 1981.)

## **SECTION 3**

(a) There shall be a Town **Finance Committee** composed of nine members who shall be appointed by the Town Moderator. Three members shall be appointed subsequent to each annual town meeting to serve for a term of three years. Vacancies among said members shall be filled by appointments by the Town Moderator for the unexpired term. The Committee shall elect from among its members a Chairman, Vice Chairman and Secretary. Subsequent to the first annual town meeting held after this bylaw becomes effective, the Town Moderator shall appoint, in addition to the three members for a term of three years provided for above, such additional members for terms of one or two years as is necessary to ensure that the terms of three members shall expire each year. (\*Adopted under Article 13 at the Annual Town Meeting held on May 16, 1992 and approved by the Attorney General on September 18, 1992.)

(b) All articles in a town meeting warrant requiring or purporting to require an appropriation, shall be referred to the Town Finance Committee which Committee shall report its recommendations to the Town Meeting. For the annual town meeting, these recommendations shall be available in print at the office of the Town Clerk at least seven days prior to said meeting.

(c) It shall be the duty of the Finance Committee, from time to time during the fiscal year, to inquire into the expenditures and commitments of each town department and it shall have access to all records of each town department, officer, board or committee. The Finance Committee shall meet with representatives of the various town departments, officers, boards and committees, at least one month prior to the annual town meeting to discuss the budgetary requirements for the ensuing fiscal year of such departments, officers, boards and committees. Each such department, officer, board and committee shall, 90 days prior to the next annual town meeting, furnish to the Finance Committee and to the Town Accountant, an itemized estimate of the amounts necessary for the administration of its or his department during the ensuing fiscal year.

## **SECTION 4**

Except as otherwise provided by law, these Bylaws or vote of a town meeting, the term of every committee established by the town shall expire on the date of the annual town meeting next following its creation, provided, however,

that a committee whose existence has been so terminated, may be revived by vote of a town meeting within one year and may continue its function without further re-appointment of the members thereof.

## **SECTION 5**

(a) Every Town officer, board and committee to whose account town funds have been appropriated shall prepare and file with the Selectmen, prior to January 31<sup>st</sup> in each year, an annual town report of their activities and expenditure of funds so appropriated.

(b) The Selectmen shall prepare and cause to be printed for distribution on or about April 1<sup>st</sup> in each year, an annual Town report which shall include the reports filed under the provisions of the foregoing Section 5(a), a list of all elective and appointive town officials, all other matter required by law or vote of the Town, and such additional material as they may deem appropriate.

(c) The **Board of Assessors** shall, subject to appropriation therefor, prepare and publish at intervals of not more than five (5) years, a list of the owners, as of January 1st in the year of publication, of all assessable properties in the town together with the assessed valuation of each said property and such other information as they may deem appropriate.

(d) Every town officer, board and committee having jurisdiction and control over any town property shall keep current an inventory of the same and shall provide the Selectmen with a copy of said inventory at such time and in such form as the Selectmen may direct.

## **SECTION 6**

(a) Unless otherwise provided by a vote of town meeting the Board of Selectmen or chief procurement officer designated pursuant to G.L. Chapter 30B is authorized to enter into any contract for the exercise of the Town's corporate powers, on such terms and conditions as are deemed appropriate. Notwithstanding the foregoing, the Board of Selectmen or chief procurement officer shall not contract for any purpose, on any terms, or under any conditions inconsistent with any applicable provision of any general or special law. (\*Adopted under Article 7 at the Special Town Meeting held on September 10, 1980 and approved by the Attorney General on January 2, 1981.) (\*\*Amended under Article 13 at the Annual Town Meeting held on May 12, 1990 and approved by the Attorney General on October 1, 1990.)

The provisions of this section, in whole or in part, may be suspended by order of the Selectmen upon the filing by the Selectmen, with the Town Clerk, a statement of the emergency condition affecting the health or safety of the people or their property on which said suspension is based.

(b) Any officer, board or committee of the town having jurisdiction of tangible property owned by the town may, with the approval of the Selectmen, sell any such property which has become obsolete or is otherwise of no use and value to the town, provided however, that if the original cost to the town of such property exceeded two thousand dollars, such sale shall be made to the highest bidder at a public auction, notice of which had been advertised at least seven days in advance of the auction sale in a newspaper in general circulation in the town.

## **SECTION 7**

(a) No contract for materials or property of any kind to an amount exceeding five hundred dollars in any one year shall be made in behalf of the town by any town department, board or committee with any of its members, officers or employees or with the spouse of any of them, unless such member, officer, employee or spouse therefor is the lowest responsible bidder on written sealed competitive bids or unless specifically authorized by vote of the Selectmen, setting forth the reason therefor, which vote shall be filed in their records.

(b) No town officer or salaried employee of the town (or agent or employee thereof) shall receive any compensation or commission for any work done by him in his own department, except his official salary and fees allowed by law, without the permission of the Selectmen set forth in a vote by them setting forth the reasons therefor which vote shall be filed in their records.

## **SECTION 8: Capital Improvement**

### **The objectives of this bylaw are to:**

- i. Create and maintain a credible, sensible, and affordable Town Capital Improvement Program; and
- ii. Prioritize and schedule the use of Town resources to build, replace and maintain the public facilities and equipment needed by, and required to responsively serve, the citizens of the Town of Douglas.

### **a. Establishment of Capital Improvement Committee**

1. There shall be established a Capital Improvement Committee, hereinafter referred to as "Committee", which shall perform the duties set forth in the following sections of this by-law and shall be governed by the provisions hereof.
2. The Committee shall consist of nine (9) registered voters of the Town of Douglas, including up to five (5) department heads or their representatives appointed by the Board of Selectmen for a one (1) year term, and 4 members-at-large, who shall be appointed by the Board of Selectmen for a term of three years, with the initial appointment of one (1) member for

one (1) year, two (2) members for two (2) years and two (2) members for three (3) years. (Amended under Article 34 at the Annual Town Meeting held on May 19, 2003, and approved by the Attorney General on August 6, 2003.)

**b. Vacancies; Officers; Compensation**

1. Whenever a vacancy occurs on the Committee, the Board of Selectmen shall fill it. Any person appointed to fill a vacancy shall hold office for the unexpired term of the person succeeded.
2. The Committee shall annually elect from among its members a Chairperson, and such other officers as it shall deem appropriate.
3. Committee members shall serve without compensation.

**c. Authorities and Responsibilities**

1. The Committee shall be responsible for surveying the growth and other needs of the Town and the physical condition and adequacy of all town buildings and facilities. The Committee shall meet from time to time with representatives of all town departments to learn and understand the capital outlay needs of each.
2. The Committee shall consider the relative need, the timing, the cost and the proposed method of financing each capital expenditure proposed. The Committee shall prepare and shall annually revise, update and extend a capital outlay program that forecasts the projected capital expenditure needs of the Town for the five fiscal years next ensuing.

**d. Capital Expenditure Defined**

For the purpose of this by-law, a Capital Expenditure is defined as any non-recurring expenditure financed in whole or in part by town funds for capital improvements having a substantial useful life (in excess of four years) the total cost of which exceeds \$10,000.00 or such other threshold level as may be established annually by the Capital Improvement Committee, Finance Committee, Board of Selectmen, including:

1. Any acquisition, disposition, lease or transfer of land; or
2. Any acquisition, disposition, lease or transfer of motor vehicles; or
3. Any acquisition or lease of any single item of equipment.
4. Any construction, reconstruction, replacement, extension or other improvement of public buildings, highways, sidewalks, storm drains, sewerage installations, playgrounds, parks or substantially similar public works, or for a facility, structure or a utility appurtenant to any of the same.
5. The cost of planning and design studies in preparation for capital projects.

#### **e. Duties of Committee; Town Meetings**

1. The Committee shall ascertain annually what capital expenditures will be required by the Town during the subsequent five (5) fiscal years and identify such other community capital needs as may be anticipated to occur over the next 20 years. In making its determinations, the Committee shall consult with such officers of the Commonwealth of Massachusetts and of the Town and its various Boards and Committees, as in its discretion it shall deem appropriate and beneficial. Department heads and chairpersons of all boards, commissions and committees of the Town, whether elected or appointed, shall submit to the Committee, not later than July 1 of each year, recommendations and statements of needs and/or proposed plans involving capital expenditure requirements for the subsequent five (5) fiscal years.
2. The Committee shall present an annual Capital Improvement Plan to the Town at the Annual Town Meeting, and shall include in such Plan its recommendations for the scheduling of capital expenditures and for the financing of such expenditures. The Town Meeting may annually adopt a five-year Capital Improvement Plan with projects and funding allocations to be considered at the next Annual Town Meeting. All capital improvement items proposed after adoption of the Capital Improvement Plan shall be forwarded to the Finance Committee and Capital Improvement Committee for accelerated review. Any failure to follow these procedures shall give authority to the Board of Selectmen to exclude a capital request from the Warrant, except in the case of a petitioned article. To add such project, the Capital Improvement Committee shall endeavor to delete such other project(s) as may be necessary to keep within the programmed amount available for capital projects. The Board of Selectmen, in its sole discretion, may determine that an emergency exists, and waive the aforementioned requirements.
3. The Committee shall prepare and maintain a Community Resource profile to be a basis of reference in the Capital improvements program planning and recommendations. This profile should include, but not be limited to, the following:
  - (a) ten (10) year record and ten (10) year projection of the Town's growth in population;
  - (b) the ten (10) year record and ten (10) year projection of the number of public, residential, commercial, industrial and other buildings, structures and facilities;
  - (c) estimated value, floor space and/or land areas of public, residential, commercial, industrial and other building, structures and facilities;
  - (d) current school student population, and the total, per student and per taxpayer costs for the current fiscal year;
  - (e) five (5) year projection of school student population;

- (f) total acreage of each zoning district, with a classification, by percentage, of developed, developable and undevelopable acreage in each zoning district;
- (g) ten (10) year record of town expenditures, in total and by department, board, committee or other functional group or unit;
- (h) ten (10) year record of tax rates;
- (i) ten (10) year record of total assessments; and
- (j) list of capital improvement commitments for the current year, and the prior and subsequent five (5) fiscal years.

**f. Regulations.**

The Committee may adopt regulations setting forth information standards and requirements for the inclusion of projects in the Capital Improvement Plan. (\*Adopted under Article 2 at a Special Town Meeting held on November 8, 1999, and approved by the Attorney General on March 14, 2000, Amended under Article 2 at a Special Town Meeting held on April 3, 2006 and approved by the Attorney General on May 2, 2006.)

**SECTION 9: Administration of the Senior Citizen Property Tax Work-off Abatement Program**

The Board of Assessors shall review all applications to the Senior Citizen Property Tax Work-off Abatement Program to determine program eligibility and shall make all eligibility and abatement determination at their sole discretion without appeal. The Board of Assessors shall require the annual filing of applications with supporting documentation to establish an applicant's eligibility; such applications shall not be considered as public records. The Selectmen's Office shall coordinate the assignment of qualified program applicants to provide volunteer service jobs in the various municipal departments and shall certify to the Board of Assessors by November 1 of each year a record of the hours worked by each program participant.

Program applicants must be 60 years of age or over as of January 1 of any year for which an abatement application is filed.

The total abatement on a volunteer's domicile, from the Senior Citizen Property Tax Work-off Abatement Program and any other exemptions, shall not reduce the real estate tax bill to less than 10 percent of the total fiscal year tax.

The hourly rate per hour of volunteer service in the Senior Citizen Property Tax Work-off Abatement Program shall not exceed the Commonwealth's minimum wage.

Annually, the Board of Assessors shall determine the maximum number of volunteers which can be declared eligible for an abatement of up to \$750 per fiscal year. (\*Adopted under Article 8 at a Special Town Meeting held on October 11, 2000 and approved by the Attorney General on February 26, 2001. Amended under Article 17 at the Annual Town Meeting held on May 20, 2002, and approved by the Attorney General on August 5, 2002).

## **ARTICLE 3: PUBLIC SAFETY**

### **SECTION 1: DISCARDING OF GARBAGE**

Except as authorized by the Board of Health, no person shall deposit, discard or leave any garbage, rubbish, refuse or any other waste matter on any street or way, public place, body of water or vacant lot in the town, nor transport such material over any street or way; nor deposit the same in any public dump of the town. (Amended under Article 24 at the Annual Town Meeting held on May 17, 2004, and approved by the Attorney General on June 28, 2004.)

PENALTY:                   1<sup>ST</sup> OFFENSE - \$100.00  
                                  2<sup>ND</sup> & SUBSEQUENT OFFENSES - \$200.00  
ENFORCING AGENT:      BOARD OF HEALTH

### **SECTION 2: SIDEWALK ICE & SNOW REMOVAL**

The owner or occupant of any premises abutting on a public way of the town on which there is a public sidewalk shall as soon as reasonably possible, so dispose or treat ice and snow accumulating thereon as to make said sidewalk reasonably available and safe for public passage. No person shall lay, throw or place or cause to be laid, thrown or placed, in any public way of the town ice or snow in such quantity or condition as to obstruct public passage of said way.

PENALTY:                   1<sup>ST</sup> OFFENSE - \$25.00  
                                  2<sup>ND</sup> & SUBSEQUENT OFFENSES - \$50.00  
ENFORCING AGENT:      Police Officers/Building Commissioner

### **SECTION 3: LOITERING**

No person shall in any public way of the town or on any sidewalk thereof, stop, stand, loiter or otherwise engage in any activity so as to interfere with the free, safe and convenient use of said way or sidewalk or to obstruct the normal movement of vehicular or pedestrian traffic thereon and any person so doing shall, at the direction of a police officer, promptly cease such interference or obstruction. (Amended under Article 24 at the Annual Town Meeting held on May 19, 2003, and approved by the Attorney General on August 6, 2003.)

PENALTY:                   1<sup>ST</sup> OFFENSE - \$25.00  
                                  2<sup>ND</sup> & SUBSEQUENT OFFENSES - \$50.00  
ENFORCING AGENT:      Police Officers

#### **SECTION 4: WELL/CESSPOOL COVERINGS**

The owner of any premises within the town on which is located a well, cistern, cesspool or other hazardous excavations shall cause the same to be protected at ground level by masonry, covering or barriers adequate to the

purpose. (Amended under Article 20 at the Annual Town Meeting held on May 17, 2004, and approved by the Attorney General on June 28, 2004.)

PENALTY: 1<sup>ST</sup> OFFENSE - \$100.00  
2<sup>ND</sup> & SUBSEQUENT OFFENSES - \$200.00  
ENFORCING AGENT: BOARD OF HEALTH

#### **SECTION 5: OBSTRUCTING VISIBILITY**

No person shall erect or maintain in the town any fence, hedge or other obstruction to visibility which exceeds three feet in height, is located within thirty-five feet of any intersection of traveled ways and limits or obstructs the view of operators of motor vehicles entering such intersection. (Amended under Article 25 at the Annual Town Meeting held on May 19, 2003, and approved by the Attorney General on August 6, 2003.)

PENALTY: 1<sup>ST</sup> OFFENSE - \$50.00  
2<sup>ND</sup> & SUBSEQUENT OFFENSES - \$100.00  
ENFORCING AGENT: Police Officers

#### **SECTION 6: FIRE**

No person shall make any fire in any street or way in the town or within twenty feet of any building, except as authorized by a permit issued by the Chief of the Fire Department.

PENALTY: \$300.00  
ENFORCING AGENT: Fire Chief

#### **SECTION 7: DOG DISTURBANCE**

No person shall keep in the town any dog which disturbs the peace and quiet of any neighborhood or endangers the safety of any person, nor permit a dog owned or kept by him to be in any public building except on a leash. The Selectmen may order the restraint or muzzling for not more than thirty days of any dog which has bitten or threatened any person or domestic animal, created a disturbance or damaged property, subject however, to such right of appeal from such order as may be provided by law. Any dog owner who fails to license their dog on or before May 30th in any year shall be charged an additional fee of ten (\$10.00) dollars for each dog which has not been timely licensed. The fees so collected shall be deposited in the Town Treasury to become part of the Town's General Fund. (\*Amended under Article 27 at the Annual Town Meeting held on June 25, 1983 and approved by the Attorney General on October 12, 1983.)

**SECTION 8:**

**SECTION 9: STREET LIGHTS**

No person shall extinguish any street light or extinguish or remove any light placed to denote an obstruction or a defect in any way or street, without proper authority.

PENALTY: \$50.00  
ENFORCING AGENT: Police Officers

**SECTION 10: HYDRANTS, GATES, ETC.**

No person shall intermeddle with any hydrant, gate, gate box or water pipe placed or located within the limits of any public way of the town without permission from the Systems Manager of the Water/Sewer Department or from a member of the Board of Water/Sewer Commissioners. (Amended under Article 24 at the Annual Town Meeting held on May 17, 2004, and approved by the Attorney General on June 28, 2004.)

PENALTY: \$200.00  
ENFORCING AGENT: Systems Manager of the Water/Sewer Department

**SECTION 11: PUBLIC DRINKING**

Except as duly licensed under law or there by-laws by the Board of Selectmen of the Town of Douglas, no person shall drink or have in his possession an open container of an alcoholic beverage as defined in Chapter 138, Section 1, of the 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 of person in control thereof. All alcoholic beverages being used in violation of this ordinance 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. (\*Adopted under Article 19 at the Annual Town Meeting held on Saturday, May 13, 1978 and approved by the Attorney General on July 17, 1978.) (Amended under Article 26 at the Annual Town Meeting held on May 19, 2003, and approved by the Attorney General on August 6, 2003.)

PENALTY: 1<sup>ST</sup> OFFENSE - \$50.00  
2<sup>ND</sup> & SUBSEQUENT OFFENSES - \$100.00  
ENFORCING AGENT: Police Officers

**SECTION 12: DRIVEWAYS**

Prior to the construction of any new driveways that exits onto a public road or onto a private road that is part of an approved subdivision, the owner thereof must submit a plot plan of the proposed layout to the Highway Superintendent for

his approval. In such proposal the owner must take into consideration the location of ingress and egress, insuring (1) that the public's safety on the major road is protected and also (2) that there will be no buildup of water and ice on the major road. (\*Adopted under Article 10 at the Special Town Meeting held on Thursday, June 29, 1978 and submitted to the Attorney General for approval on July 10, 1978.)

PENALTY: 1<sup>ST</sup> OFFENSE - \$25.00  
2<sup>ND</sup> & SUBSEQUENT OFFENSES - \$50.00  
ENFORCING AGENT: Building Commissioner/Highway Superintendent

### **SECTION 13: VIOLATION OF ARTICLE**

Any person who violates any provisions of this Article shall, in addition to all other penalties provided by law, be subject to a fine not exceeding two hundred dollars for each offense. (\*Adopted under Article 20 at the Annual Town Meeting held on Saturday, May 13, 1978 and approved by the Attorney General on July 17, 1978.)

### **SECTION 14: DISPOSAL OF SOLID WASTE**

The disposal of solid waste and/or hazardous waste by means of incineration and/or resource recovery and/or any other burning method shall be prohibited within the Town of Douglas. (\*Adopted under Article 13 at the Annual Town Meeting on May 16, 1987 and approved by the Attorney General on September 16, 1987.) (Amended under Article 21 at the Annual Town Meeting held on May 17, 2004, and approved by the Attorney General on June 28, 2004.)

PENALTY: 1<sup>ST</sup> OFFENSE - \$100.00  
2<sup>ND</sup> & SUBSEQUENT OFFENSES - \$200.00  
ENFORCING AGENT: BOARD OF HEALTH

### **SECTION 15: HOUSE NUMBERING**

**(a) Preamble.** Pursuant to the statutory authorization granted under Massachusetts General Laws Chapter 40, Section 21(10), the Town of Douglas hereby enacts this bylaw requiring and regulating the numbering of residential, commercial and industrial buildings within the municipal boundaries of the Town of Douglas.

**(b) Purpose.** The standards and regulations set forth within the provisions of this Bylaw shall have the purpose and effect of promoting the general health, safety, welfare and convenience of the inhabitants of the Town of Douglas by reducing the difficulty in quickly responding to individual residences in cases of police, fire, medical or other emergency situations requiring immediate location and response; by facilitating the delivery efforts of the United States Postal Service through the creation of a numbering system for all delivery locations; by decreasing the potential for traffic accidents caused by motorists searching for address locations; by improving local census data gathering capabilities; by

improving the accuracy of important legal documents requiring address location information; and by assisting in the planning efforts of a growing community.

**(c) Administration.**

1. This bylaw shall be administered by the Board of Selectmen of the Town of Douglas who shall see that building numbers are assigned to all residential, commercial and industrial structures, and that such numbering is conducted in conformance with the Town of Douglas Street Numbering Guidelines to be promulgated under the authority of the Board of Selectmen, and adopted, following a public hearing, by the Board of Selectmen in order to provide guidance in the development of a consistent numbering system.
2. The Town Clerk shall prepare and maintain through annual update a street list of the Town of Douglas consisting of an alphabetical listing of all streets, with residents or business names listed in the order of their assigned numbers.
3. The Board of Selectmen shall see to the preparation of a Town Map indicating the approximate location of the numbering system within the Town.

**(d) Compliance.** All building owners and/or occupants are required to display assigned numbers in the following manner.

1. Number on the structure or residence. Where the residence or structure is within fifty (50) feet of the edge of a street right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry.
2. Number at the street line. Where the residence or structure is over fifty (50) feet from the edge of the street right-of-way, the assigned number shall be displayed on a post, fence, wall or mail box at the property line in the vicinity of the walk or access drive to the residence or structure.
3. Size and color of number. Numbers shall be displayed in a color and size approved for use by the Board of Selectmen and shall be located so as to be visible from the street.

**(e) New Development.** Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number or numbers from the Building Inspector. This shall be done at the time of the issuance of the building permit.

**(f) New Subdivisions.** Any prospective subdivider shall show a proposed lot numbering system on the preliminary subdivision plan. Approval of the Planning Board shall constitute the assignment of numbers to the lots of the subdivision.

**(g) Enforcement.** Enforcement of this Bylaw shall be as follows:

1. The Building Inspector of the Town of Douglas shall be the enforcement agent for the purposes of this Bylaw.

2. Any property owner found to be in violation of any section of this Bylaw shall be notified in writing of the violation by the Building Inspector. Any person who permits said violation to continue for a period of sixty (60) days subsequent to the receipt of a written notice from the Building Inspector concerning said violation shall be assessed a penalty by the Board of Selectmen of not more than one hundred dollars (\$100.00) for each violation. For the purposes of this Bylaw, each successive day during which any violation is committed or permitted to continue after sixty (60) days of the receipt of a written notice from the Building Inspector shall constitute a separate violation. (\*Adopted under Article 30 at the Annual Town Meeting held on May 16, 1987 and approved by the Attorney General on September 16, 1987.)

PENALTY:                   1<sup>ST</sup> OFFENSE - \$25.00  
                                  2<sup>ND</sup> & SUBSEQUENT OFFENSES - \$50.00

## **ARTICLE 4: LICENSES AND PERMITS**

### **SECTION 1: LICENSING BOARD**

The Selectmen shall, for all purposes of law, constitute the licensing board of the town.

### **SECTION 2: PUBLIC ASSEMBLY/PARADES**

The Selectmen shall have jurisdiction and control of the public ways and property of the town for purposes of providing orderly conditions for public assembly and parades and no such public assembly or parade shall be held on a public way or public property except upon a permit issued by the Selectmen setting forth the time, place and occasion, which permit shall not be withheld or restricted except as required for maintenance of public order. (Amended under Article 29 at the Annual Town Meeting held on May 19, 2003, and approved by the Attorney General on August 6, 2003.)

PENALTY:                   \$100.00  
ENFORCING AGENT:      Police Officers

### **SECTION 3**

The Selectmen may issue licenses for the transportation of persons by motor vehicles for hire and may designate the use of certain portions of public ways as stands for licensed persons. Such licenses shall be issued on an annual basis, commencing January first in each year, may be renewed, suspended or revoked and shall be conditioned upon payment of a fee of ten dollars for each motor vehicle of each licensee. No person may engage in the

transportation of persons by motor vehicles for hire nor use such designated stands without being so licensed.

PENALTY: \$10.00

ENFORCING AGENT: Board of Selectmen or their Designee

#### **SECTION 4: BUSINESS LICENSE**

The Selectmen may issue licenses to conduct the business of buying, selling and otherwise dealing in junk, scrap metals and used articles on such terms and conditions as they may provide including payment of an annual license fee not exceeding ten dollars. No person shall engage in such business unless so licensed.

PENALTY: \$10.00

ENFORCING AGENT: Board of Selectmen or their Designee

#### **SECTION 5: FIRE PERMITS**

To the extent permitted by law, the Chief of the Fire Department may issue permits for fires on public ways or public property or private property.

PENALTY: \$300.00

ENFORCING AGENT: Fire Chief

#### **SECTION 6: VIOLATION OF ARTICLE**

Any person who engages in any activity, which under the terms of this Article requires a license or permit, without such license or permit, shall be subject to a fine not exceeding ten dollars for each separate offense thereunder.

### **ARTICLE 5: REGULATION OF PROPERTY**

#### **SECTION 1: ZONING BYLAWS**

The Zoning By-Laws of the town as presently in force and as they may be duly amended are hereby incorporated herein by reference.

#### **SECTION 2: SUB-DIVISION**

Sub-division of land in the town shall be made only in accordance with rules and regulations therefor adopted and published by the Planning Board of the town, which said rules and regulations as presently in force or as they may be duly amended are hereby incorporated herein by reference.

### **SECTION 3: PETITION OF PRIVATE WAYS**

All private ways to be accepted by the town must be petitioned for not later than October 1st in each year for submission to the next ensuing annual town meeting. Except as otherwise provided by law, the development and construction of said streets shall be in accordance with the specifications for ways established by the Planning Board for purposes of sub-division of land.

### **SECTION 4: PRIVATE WAY REPAIRS**

A majority of owners of estates that would derive a particular benefit from making repairs to a private way that has been open to the public at least six years may petition an annual town meeting to make repairs, which shall include resurfacing and drainage, to said way and to access betterment charges therefor. The number of owners of estates shall be determined from current assessors' records, and an owner having more than one estate shall be deemed to have only one estate for these purposes. The cost of repairs shall be borne initially by the town. The betterment assessment shall be for one hundred percent of such cost and shall be apportioned in accordance with an abutter's linear frontage on such way and on an abutter's linear frontage on any other way which is located within the area that would derive the benefit from making such repairs. The town shall be held harmless on account of any damages whatever caused by such repairs, by agreements executed by the abutters who petition therefor. (\*Adopted under Article 19 at the Annual Town Meeting held on May 12, 1979 and approved by the Attorney General on August 6, 1979.)

### **SECTION 5:**

### **SECTION 6: SCENIC ROADS**

The purpose of this bylaw is to set forth the process and criteria by which any public way may be recommended to a town meeting for designation as a scenic road as provided for under MGL Chap 40 Section 15C. This bylaw further ensures that:

- i. Ways will be recommended for designation as scenic roads on stated criteria.
- ii. Ways so designated will not be altered without following proper procedures and without adherence to proper considerations.
- iii. Ways so designated will not be altered by the decision of any person, organization, or agency other than the planning board.

Provided further, however, that all current property owners on any public way being considered for designation as a scenic road, shall be notified by registered letter of any public hearing held in conformance with MGL Chapter 40 Section 15C.

## **(a) Definitions**

In the absence of contrary meaning established through legislative or judicial action pursuant to MGL Chapter 40, Section 15C, the following terms contained in that statute shall be defined as follows:

### **1. CUTTING OR REMOVAL OF TREES**

“Cutting or removal of trees” shall mean the removal of one (1) or more trees, trimming of major branches or cutting of roots.

### **2. REPAIR, MAINTENANCE, RECONSTRUCTION, OR PAVING WORK**

“Repair, maintenance, reconstruction, or paving “work” shall mean work done within the right-of-way by any person or agency, public or private. (Within this definition is any work on any portion of the right-of-way which was not physically commenced at the time the road was designated as scenic road.) Construction of new driveways or alteration of existing ones is also included, insofar as it takes place within the right of way.

### **3. ROAD**

“ Road” shall mean a right-of-way of any way used and maintained as a public way including the vehicular traveled way plus necessary appurtenances with the right-of-way such as bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks, but not intersecting streets or driveways. When the boundary of the right-of-way is in issue so that a dispute arises as to whether or not certain trees or stonewalls or portions thereof are within or without the way, the trees or stonewalls, shall be presumed to be within the way until the contrary is shown.

### **4. SCENIC ROAD**

“Scenic Road” shall mean a road so designated pursuant to M.G. L Chapter 40, Section 15C and these regulations.

### **5. TEARING DOWN OR DESTRUCTION OF STONE WALLS**

“Tearing down or destruction of stone walls or a portion thereof shall mean the unpermitted destruction of a stone wall or portion thereof or the unpermitted temporary removal and replacement of stone walls or a portion thereof at the same location with the same materials.

## 6. TREES

- (a) "Trees" shall include a tree whose trunk has a diameter of one and one-half (1 1/2) inches or more as measured one (1) foot above ground.
- (b) "Public shade trees" shall mean all trees within any public way or on the boundaries thereof.

### **(b) Criteria for Designation of a Scenic Road**

The Planning Board, Conservation Commission, or Historical Commission shall, in determining which roads or portions of roads should be submitted to town meeting for designation as a scenic road. The following criteria should be considered:

- (a) Ways bordered by trees of exceptional quality.
- (b) Ways bordered by stone walls.
- (c) Ways bordered by any other natural or man-made features of aesthetic value.
- (d) Ways for which any alteration is being planned or is likely to be planned in the future.
- (e) Ways for which any alteration would lessen the aesthetic value or natural or man-made features bordering them.

### **a. Notification of Designation As A Scenic Road**

Upon the designation, by Town Meeting of any roads or portions of road as a scenic road, The Planning Board shall take the following steps within sixty (60) days of such designation:

1. Notify all municipal departments that may take any action with respect to such road.
2. Notify the State Department of Public Works.
3. Publish in the local paper, by an informal article, that the road (or roads) have been so designated.
4. Indicate such designation on all maps currently in use by municipal departments.
5. Notify all utility companies or other such parties which may be working on the border of such roads.
6. Notify abutters as they appear on the most recent tax list by regular mail.

### **b. Procedures**

1. Filing

Any person, organization, state, or municipal agency seeking the written consent of the planning board regarding the cutting or removal of trees or tearing down or

destruction of stone walls, or portions thereof on a scenic road shall file a request with the planning board together with the following:

- (a) The text of a legal notice identifying the location of the proposed action in terms enabling readers to locate it with reasonable specificity on the ground without need for additional plots or references, and describing in reasonable detail the proposed changes to trees and stone walls.
- (b) A statement of purpose, or purposes, for the changes proposed.
- (c) A list of owners as of latest tax map of properties located in whole or in part within one hundred feet (100') of the proposed action.
- (d) Except in the case of Town agencies, a deposit sufficient to cover the cost of advertising and notifications.
- (e) Any further explanatory material useful to adequately inform the Planning Board.

## 2. Notice

The Planning Board shall, as required by statute, give notice of its public hearing by advertising twice in a newspaper of general circulation in the area. This notice shall contain a statement as to the time, date, place, and purpose of the hearing with a reasonable description of the action proposed by the applicant. Copies of this notice shall also be sent to the Selectmen, the Conservation Commission, the Historical Commission, Town Engineer, Tree Warden, Department of Public Works and the owners of property within one hundred feet (100') of the proposed action.

## 3. Timing of Notice

The first publication of the notice shall be as soon as feasible after the Planning Board receives the request from the applicant, and shall in all cases be at least fourteen (14) days before the hearing. The last publication shall occur, as required by statute, at least seven (7) days prior to the hearing.

## 4. Timing of Hearing

The Planning Board shall hold a public hearing within sixty (60) days of the planning board meeting at which a properly filed request is received. The date and time of the public hearing shall be set outside of normal weekday work hours 8:00 AM-5 PM., Monday through Friday so as to encourage maximum citizen participation.

## 5. Timing of Decision

The Planning Board shall make a decision on the request within twenty-one (21) days of the public hearing.

## 6. Public Shade Tree Act

Notice shall be given and Planning Board hearings shall be held in conjunction with those held by the Tree Warden acting under MGL Chapter 87. The consent of the Planning Board to a proposed action shall not be regarded as inferring consent by the Tree Warden, or vice versa. The Planning Board decision shall contain a condition that no work should be done until all applicable provisions of the Public Shade Tree Law, MGL Chapter 87, have been complied with.

### **c. Considerations**

The Planning Board's decision on any application for proposed action effecting scenic roads shall be based on consideration of the following:

1. Preservation of natural resources.
2. Environmental Values.
3. Historical Values.
4. Scenic and aesthetic characteristics.
5. Public Safety.
6. Compensatory actions proposed, such as replacement of trees or walls.
7. Other sound planning consideration.

### **d. General**

The planning board may adopt more detailed regulations for carrying out the provisions hereunder.

### **e. Violations**

A violation of this by-law shall be punishable on a 1st offense by a fine of \$50, upon a 2nd offense by a fine of \$75, and upon a third or additional offense by a fine of \$200 for each offense. (\*Adopted under Article 10 at a Special Town Meeting held on April 19, 2000 and approved by the Attorney General on October 11, 2000.)

## **ARTICLE 6: WATER-SEWER DEPARTMENT**

### **SECTION 1: ESTABLISHMENT OF WATER/SEWER DEPT.**

(a) There is hereby established in the Town of Douglas a Water-Sewer Department, which shall have all the powers and duties now vested in the Water Department and the Sewer Department. Upon acceptance of these bylaws by the Town of Douglas as hereinafter provided, the aforesaid departments are hereby abolished and their powers and duties shall be transferred to and shall be under the direction of the Water-Sewer Department, hereinafter referred to as the Department.

## **SECTION 2: WATER/SEWER BOARD**

**(a)** The Department will come under the jurisdiction of a Water-Sewer Board, an elected body consisting of three members, hereinafter referred to as the Board. The initial members thereof shall be elected, one to serve for one (1) year, one to serve for two (2) years and one to serve for three (3) years from the date of the Annual Town Meeting at which they are elected, and thereafter when the term of any member expires, his or her successor shall be elected to serve for three (3) years. In all cases the members shall serve until their successors are elected and qualified. The members of the Board shall, after each election, elect one of their members to act as chairperson of the Board for the ensuing year. No member of the Board shall hold any other elective Town Office.

**(b)** The Department shall be under the supervision and control of a Superintendent appointed by the Board with the advice of the Administrative Assistant to the Board of Selectmen and the approval of the Board of Selectmen. Any vacancy of the position of Superintendent shall be filled according to this subsection.

**(c)** Said Superintendent shall be a person qualified by education, training and experience and shall be responsible for the operational and administrative functions of the Department in accordance with a job description to be developed by the Board and approved by the Personnel Board.

**(d)** The salary of said Superintendent shall be determined by the Board, and must be consistent with any pay and classification plan adopted by the Personnel Board. Said compensation shall be subject to appropriation by the Town Meeting.

**(e)** Said Superintendent shall hold an indefinite term subject to the will of the Board and the requirements of the Personnel Bylaw. During tenure, the Superintendent shall hold no elective Town Office.

## **SECTION 3**

**(a)** No existing contract or liability shall be affected by the abolition of the aforesaid Departments, and the Superintendent shall in all respects be the lawful successor to the offices so abolished.

**(b)** All persons employed by or under the supervision of the offices and departments abolished by this act shall be transferred to the Department. All such transfers of employees shall be made without loss of pay, and without change of their seniority, retirement or pension rights or any other privileges under any provision of law or bylaw. (\*Adopted under Article 31 at the Annual Town Meeting held on May 16, 1987 and approved by the Attorney General on September 16, 1987.)

## **SECTION 4: WATER USE RESTRICTIONS**

### **a. Authority**

This Bylaw is adopted by the Town under its police powers to protect public health and welfare and its powers under M.G.L. c.40, §§21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, §69B. This bylaw also implements the Town's authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

### **b. Purpose**

The purpose of this bylaw is to protect, preserve and maintain public health, safety and welfare whenever there is in force a State of Water Supply Conservation or 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.

### **c. Definitions**

1. "Person" shall mean any individual, corporation trust, partnership or association, or other entity.
2. "State of Water Supply Emergency" shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17.
3. "State of Water Supply Conservation" shall mean a State of Water Supply Conservation declared by the Town pursuant to section 4 of this bylaw.
4. "Water Users or Water Consumers" shall mean all public and private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

### **d. Declaration of a State of Water Supply Conservation**

The Town, through its Water and Sewer Commissioners, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under this bylaw before it may be enforced.

### **e. Restricted Water Uses**

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water

as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required herein:

6. Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.
7. Outdoor Watering Ban: Outdoor watering is prohibited.
8. Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
9. Filling Swimming Pools: Filling of swimming pools is prohibited.
10. Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited.

**f. Public Notification of a State of Water Supply Conservation; Notification of DEP**

Notification of any provision, restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed hereunder shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

**g. Termination of a State of Water Supply Conservation; Notice**

1. A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, upon a determination that the water supply shortage no longer exists.
2. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required herein.

**h. State of Water Supply Emergency; Compliance with DEP Orders**

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

**i. Penalties**

Any person violating this bylaw shall be liable to the Town in the amount of \$50.00 for the first violation and \$100 for each subsequent violation which shall inure to the Town. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws. The enforcing agent for this bylaw shall be any employee of the Douglas Water/Sewer Department or any elected Water/Sewer Commissioner. Each day of violation shall constitute a separate offense.

**j. Severability**

The invalidity of any portion or provision of this bylaw shall not invalidate any other portion or provision thereof. (\*Adopted under Article 2 at a Special Town Meeting held on April 19, 2000 and approved by the Attorney General on October 11, 2000.) (Amended under Article 26 at the Annual Town Meeting held on May 17, 2004.)

**SECTION 5: WATER SUPPLY EMERGENCY**

**(a) Authority.** This Bylaw is adopted by the Town of Douglas under its home rule powers, its police powers to protect public health and welfare and its specific authorization under Massachusetts General Laws Chapter 40, Section 21 and 21D.

**(b) Purpose.** The purpose of this Bylaw 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 of Douglas or by the Department and included in the Town of Douglas plan approved by the Department of Environmental Protection to abate the emergency.

**(c) Definitions.** For the purpose of this Bylaw:

**ENFORCEMENT AUTHORITY** shall mean the Town of Douglas' Board of Water-Waste Water Commissioners 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 General Laws Chapter 21G and General Laws Chapter 111, Section 160, or by the Governor.

**(d)** The following shall apply to all users of water supplies supplied by the Town of Douglas:

Following notification by the Town of Douglas 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 of Douglas are required to comply to abate a situation of water emergency shall be sufficient for purposes of this Bylaw if it is published in a newspaper of general circulation within the Town of Douglas or by such other notice as is reasonably calculated to reach and inform all users of the Town of Douglas' supply.

**(e) Penalty Enforcement.** Fines shall be recovered by indictment or on 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 any warning or citation pursuant to this Section shall constitute a separate violation.

**(f) Right of Entry.** Agents of the enforcement authority may enter any property for the purpose of inspecting or investigating any violation of this Bylaw or enforcing against the same.

**(g) Severability.** The invalidity of any portion or provisions of this Bylaw shall not invalidate any other portion, provision or section hereof.

**(h) Penalty and Enforcing Agents.**

PENALTY: \$300.00  
ENFORCING AGENT: Systems Manager of the Water/Sewer Department,  
Board of Health/Police Officers

(Adopted under Article 15 at the Annual Town Meeting held on May 12, 1990 and approved by the Attorney General on October 1, 1990.) (Amended under Article 28 at the Annual Town Meeting held on May 19, 2003, and approved by the Attorney General on August 6, 2003.) (Amended under Articles 23, 25 & 26 at the Annual Town Meeting held on May 17, 2004, and approved by the Attorney General on June 28, 2004.)

**ARTICLE 7: ANIMAL CONTROL BYLAW**

**SECTION 1: PURPOSE**

1. The purpose of this bylaw is to achieve the objectives of the animal control enabling legislation contained in Chapter 140, Section 147A of the Massachusetts General Laws, which includes the regulation of domesticated animals within the borders of the Town of Douglas, Massachusetts, the licensing of dogs, and the establishment of fines for violation of this bylaw.

2. This bylaw is adopted for the above purposes under the authority provided by, and in accordance with the provisions of Chapter 140, Section 147A of the General Laws, as amended.

## **SECTION 2: APPLICATION**

This Bylaw shall apply to all dogs owned by or kept by residents of the Town of Douglas: all dogs harbored or kept in the Town of Douglas whether or not for hire: and all dogs physically within the Town of Douglas, whether on public or private property and regardless of whether ownership can be determined. This By-Law also shall apply to all residents of the Town of Douglas who bring or harbor one or more dogs within the Town of Douglas.

## **SECTION 3: BYLAW SUPERIORITY**

This Bylaw supersedes any policies, directives, dog control or dog restraint Bylaws now in effect. Unless otherwise provided for or mandated by law.

## **SECTION 4: SEVERABILITY**

Should any portion, section or provision of this Bylaw be found invalid for any reason, that finding shall not affect the validity and force of any other section, portion or provision of this Bylaw.

## **SECTION 5: RESPONSIBILITIES OF THE DOG OFFICER**

1. It shall be the responsibility of the Animal Control Officer to maintain proper records as required by the Town of Douglas.

2. It shall be the duty of the Animal Control Officer to investigate complaints concerning any dogs which are alleged to be in violation of Town Bylaws and/or MA General Law and to apprehend any dog found by him to be a public nuisance and to impound such dog in a suitable place or to order the owner thereof to restrain such dog.

3. The Animal Control Officer or acting Animal Control Officer shall have the authority to issue citations, penalties and enforce this Bylaw and any regulations adopted under this Bylaw.

## **SECTION 6: LICENSING - FINES AND PENALTIES**

1. Chapter 140, Section 137 of the Massachusetts General Laws requires that all dogs wear a collar with a valid license and rabies tag. (Amended under Article 19 at the Annual Town Meeting held on May 19, 2003, and approved by the Attorney General on August 6, 2003.)

2. License Fees:

January 1 through March 1

Males and Females - Twenty Dollars - (\$20.00)

Neutered and Spayed - Fifteen Dollars - (\$15.00)

3. Hobby Kennel License – Ninety Dollars - (\$90.00)

4. Breeder Kennel License – One hundred Twenty Dollars - (\$120.00)

5. Commercial Kennel License - One Hundred Fifty Dollars - (\$150.00)

6. Fines:

a: After March 1 - Fifteen Dollar Fine - (\$15.00)

b: After April 1 - Twenty-Five Dollar Fine - (\$25.00)

## **SECTION 7: DEFINITIONS**

### AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE INDICATES:

1. **DOG** shall mean all animals of the canine species, both male and female.

2. **WORKING DOG** shall mean a dog used in the performance of a particular set of tasks, while used in such a capacity. Examples include guard dogs, seeing eye dogs and dogs used to control a farmer's flock or herd.

3. **HUNTING OR SPORTING DOG** shall mean a dog under the control and direction of its owner or keeper while used in training or actual hunting. It also includes dogs used in events or trials participating under sanctioned competitions.

4. **OWNER** shall mean any person or persons, firm, association or corporation, owning, keeping or harboring a dog as herein defined.

5. **PUBLIC NUISANCE** shall mean any dog deemed to be a public nuisance if not found to be on the premises of the owner of such dog or upon the premises of another person with the knowledge and express permission of such other person except:

a: If such dog is being used as a so-called "hunting dog", during open hunting season or at any time when necessary for field training, and is being supervised as such by a person competent to restrain such dog so that it shall not be a threat to public safety.

b: Unless such dog is a seeing-eye guide dog or hearing dog, according to the Massachusetts General Laws.

c: Unless such dog is under restraint as defined in **Sec:8**

d: No person shall own or keep in the Town any dog which by biting, excessive barking, howling or in any other manner disturbs the quiet of the public.

6. **HOBBY KENNEL** shall mean a kennel as described in **Sec:18** with more than three (3) dogs six (6) months or older.

7. **BREEDER KENNEL** shall mean a kennel as described in **Sec:17** with not more than ten (10) dogs six (6) months or older.

8. **COMMERCIAL KENNEL** shall mean a kennel as described in **Sec:17** with ten (10) plus dogs.

9. **DOMESTIC ANIMAL** shall mean all animals as described in MGL 131 Sec. 23.

## **SECTION 8: RESTRAINT**

1. The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large off his property, including but not limited to school grounds, recreation areas and cemeteries, unless the dog is accompanied by its owner or other person responsible for the dog, who is in full control of such dog, or unless the dog is held firmly on a leash of not more than six (6) feet.

2. For the purpose of this section "full control" means that the dog will respond to command, order or signal of the owner or other person responsible for the dog shall, at all times, by his command, order or signal, prevent his dog from bothering, worrying, annoying, chasing or barking at any person or vehicle including bicycles, or killing, chasing or harassing livestock, fowl or other pets.

3. Any owner shall confine in a building or secure enclosure, any dog used for security and not remove said dog from the building or enclosure unless it is securely muzzled.

4. Every female dog in heat shall be kept in a building or secure enclosure or in a boarding kennel, so that she cannot come into contact with another dog.

## **SECTION 9: PROHIBITIONS**

1. No owner or keeper shall allow a dog to become a public nuisance as defined in Section 7 Subsection 5, Paragraphs A through C inclusive. Failure to comply with this section constitutes a violation of this Bylaw.

2. Any dog that bites a person shall be quarantined for ten (10) days, subject to Massachusetts General Laws, Chapter 129, Section 21 and Chapter 129, Section 30.

3. This Bylaw shall not be construed to prohibit the use of hunting, sporting or working dogs in their normal capacities, as defined in Section 7, Subsections 2 & 3 inclusive.

4. Defecating anywhere but on the property of its owner or keeper, unless picked up and disposed of properly by its owner or keeper.

## **SECTION 10: IMPOUNDMENT**

1. **NOTICE TO OWNER** If a dog impounded pursuant to Section 10, Subsection 2 has upon it the name and address of the owner, or if the name of the owner is otherwise known, then the animal control officer shall immediately notify the owner, and if the owner is known, then no notice shall be necessary.

2. **IMPOUNDMENT BY ANIMAL CONTROL OFFICER** a dog may be picked up and impounded when:

- a: Found at large, without full control of owner.
- b: Found unmuzzled when an order for muzzling of such dog is in effect.
- c: Having bitten, attacked or threatened the health or safety of a person.
- d: Chasing any vehicle upon a public way or upon any way open to the public travel in the town.
- e: Having damaged or littered property other than the owner's.
- f: Found without a license.
- g: In violation of Section 8 of this Bylaw.

## **SECTION 11: REDEMPTION OF IMPOUNDED DOGS**

The owner or keeper of any dog impounded under the provisions of this Bylaw may redeem such dog, provided he or she first:

- a: Procures from the Town Clerk a license and tag for any such dog that is not licensed.
- b: The owner of any dog impounded pursuant to Section 11 may reclaim such dog upon reimbursement to the Animal Control Officer of his expense for maintaining such dog while impounded. In any event, the Animal Control Officer shall not charge more than Fifteen Dollars (\$15.00) for a reimbursement of such expenses for the first twenty-four hour period or any part thereof that the dog is held by him, and Fifteen Dollars (\$15.00) for each additional day.

c: Any dog which has been impounded under the provisions of this Bylaw and has not been redeemed by its owner or keeper within ten (10) days, may be disposed of in accordance with the provisions of Massachusetts General Laws, Chapter 140, Section 151A.

## **SECTION 12: OWNER RESPONSIBLE FOR RESCUE COSTS**

The owner, keeper or person responsible for any animal injured or killed by a motor vehicle shall be responsible for the cost of all rescue response, emergency care, treatment and/or disposal of said animal.

## **SECTION 13: PERSONS CONVICTED OF CRUELTY TO ANIMALS**

Any person or persons found guilty of a violation of any provisions of SECTION 77, 80A, 94 or 95 OF CHAPTER 272 (MASSACHUSETTS GENERAL LAW) will forfeit the right to own or keep any animal within the Town of Douglas and must immediately, upon conviction, surrender all animals in his/her possession to the Animal Control Officer.

## **SECTION 14: ENFORCEMENT**

The Animal Control Officer or Police shall be empowered to enforce provisions of this Bylaw. Fines assessed under this Bylaw shall be paid to the Town Clerk within 21 days of issuance of a citation by the Animal Control Officer or Police. Failure to pay such fine shall be violation as described in the NON-CRIMINAL COMPLAINT FORM (CH 40 SEC 21D).

## **SECTION 15: VIOLATIONS**

Violations of this Bylaw shall be punishable by such fines as described in the NON-CRIMINAL COMPLAINT FORM (CH40 SEC 21D) or by CRIMINAL COMPLAINT at the discretion of the Animal Control Officer.

## **SECTION 16: APPOINTMENT OF AN ANIMAL CONTROL OFFICER**

1. The Board of Selectmen shall appoint an Animal Control Officer for the Town of Douglas. The Animal Control Officer and/or his Agent shall be appointed as Special Police Officers by the Town of Douglas, Chief of Police and sworn in by the Town Clerk.

2. The Animal Control Officer and/or his Agent is not required to be a resident of the Town of Douglas.

3. The Animal Control Officer shall be a salaried employee of the Town of Douglas. The Animal Control Officer shall receive such compensation as agreed upon by the Animal Control Officer and the Board of Selectmen. Such agreed

upon salary may be funded with monies from the Dog Control Revolving Account.

4. The Animal Control Officer shall have the responsibility, authority and power as an agent of the Town of Douglas to enforce the provisions of the Animal Control Bylaw and Massachusetts General Law, Chapter 140.

## **SECTION 17: KENNELS – BREEDER OR COMMERCIAL**

1. No person shall house more than three (3) dogs, age six (6) months or older, on a single premises without first applying for a kennel license with the Town Clerk. A copy of the special permit from the Zoning Board of Appeals must be included, or such application shall be denied. Upon review of the application, the Animal Control Officer, along with the Health Department Agent, shall inspect the facility prior to the issuance of any kennel license. The Animal Control Officer and/or the Health Department Agent may deny the application if the facility is not in compliance with any or all sections of this Bylaw.

2. It shall be a condition of the issuance of any kennel license that the Animal Control Officer shall be permitted to inspect all animals and the premises where animals are kept at any time following reasonable notice to the licensee and shall, if permission for inspection is refused, revoke the license of the refusing owner or keeper with no part of the fee refunded.

3. Any person who receives a kennel license shall erect a kennel in accordance with the following specifications:

a: A minimum of four by eight (4x8) feet for each dog shall be provided

b: Locks on gates to prevent the escape of dogs and the entry of children shall be provided

c: Kennels shall be sixty (60) feet from the street and forty (40) feet from lot lines.

4. No person convicted of cruelty to animals shall be issued a license to operate a kennel.

5. Any person or persons who holds a kennel license shall make available to the Animal Control Officer and the Police Department an emergency number where they can be reached.

6. Kennel licenses shall be given only to people who apply under the conditions of operating a breeding and/or commercial facility as defined in Sec: 7 Subsection: 8 & 9.

7. Kennel licenses shall not be given to any person who is not a resident of the Town of Douglas unless they are operating a commercial business.

8. Pet stores shall not be required to carry a kennel license as long as they are in accordance with MGL C 129 39A.

9. All complaints received of a kennel will be handled in accordance with MGL C 140 S 157 as amended.

## **SECTION 18: HOBBY KENNEL**

1. No person shall house more than three (3) dogs, age six (6) months or older on a single premises without first applying for a Hobby Kennel license with the Town Clerk.

2. A Hobby Kennel is one where four (4) to eight (8) dogs are housed for the primary purpose of pleasure (pets) or hunting, and where there is no boarding and no breeding for the purpose of selling pups.

3. Each Hobby Kennel license holder shall give the animal control officer and the police department an emergency number where the license holder can be reached.

4. Any complaints received of a kennel may be handled in accordance with G.L. c.140, §157, as amended.

5. It shall be a condition of each hobby kennel license that the Animal Control Officer shall be permitted to inspect all animals and the premises where animals are kept following reasonable notice to the licensee. If permission for inspection is refused, such refusal shall be grounds for revoking the license, with no fee refunded. (Amended under Article 18 at the Annual Town Meeting held on May 19, 2003, and approved by the Attorney General on August 6, 2003.)

PENALTY:	1 <sup>ST</sup> OFFENSE – Written Warning
	2 <sup>nd</sup> OFFENSE - \$25.00
	3 <sup>rd</sup> OFFENSE - \$50.00
	4 <sup>th</sup> & SUBSEQUENT OFFENSES - \$100.00
ENFORCING AGENT:	Animal Control Officer/Police Officers

## **ARTICLE 8: WETLAND BYLAW**

### **SECTION 1: PURPOSE**

The purpose of this Bylaw is to protect the floodplains and wetlands of the Town of Douglas by controlling activities deemed to have a significant effect upon wetland values, including but not limited to the following: Public or Private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution control, wildlife, recreation, aesthetics and fisheries (collectively, the "interests protected by this Bylaw").

### **SECTION 2**

No person shall remove, fill, dredge, alter or build upon or within one hundred feet of any bank, fresh water wetland, flat, marsh, meadow, bog, swamp or upon or within one hundred feet of any estuary, creek, river, stream, pond or lake, or upon or within one hundred feet of any land under said waters or upon or within one hundred feet of any land subject to flooding or inundation, or within one hundred feet of the 100-year storm line, other in the course of maintaining, repairing or replacing but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, telephone, telegraph, and other telecommunication services, without filing written application for a permit so to remove, fill, dredge, alter or build upon, including such plans as may be necessary to describe such proposed activity and its effect on the environment, and receiving and complying with a permit issued pursuant to this Bylaw.

Such application may be identical in form to a Notice of Intention filed pursuant to Mass. General Laws Chapter 131, Section 40, shall be sent by Certified Mail to the Douglas Conservation Commission, and must be filed concurrently with or after applications for all other variances and approvals required by the Zoning Bylaw, the Subdivision Control Law or any other bylaw or regulation have been obtained. The Conservation Commission shall set a filing fee by regulation, but no filing fee is required when the Town of Douglas files an application for a permit. Copies of the application shall be sent at the same time, by Certified Mail, to the Board of Selectmen, the Planning Board and the Board of Health. Upon written request of any person, the Conservation Commission shall, within twenty-one days, make a written determination as to whether this Bylaw is applicable to any work or land thereon. When the person requesting a determination is other than the owner, notice of the determination shall be sent to the owner as well as to the requesting person.

### **SECTION 3**

The Conservation Commission shall hold a Public Hearing on the application within twenty-one days of its receipt. Notice of the time and place of the Hearing shall be given by the Conservation Commission at the expense of the applicant, not less than five days prior to the Hearing, by publication in a

newspaper of general circulation in Douglas and by mailing a Notice to the applicant, the Board of Health, Board of Selectmen, Planning Board and to such other persons as the Conservation Commission may by regulation determine. The Conservation Commission, its agents, officers, and employees may enter upon privately owned land for the purpose of performing their duties under this Bylaw.

#### **SECTION 4**

If, after the Public Hearing, the Conservation Commission determines that the area which is the subject of the application is significant to the interests protected by this Bylaw, the Conservation Commission shall, within twenty-one (21) days of such hearing, issue or deny a permit for the work requested. If it issues a permit after making such determination, the Conservation Commission shall impose such conditions as it determines are necessary or desirable for the protection of those interests, and all work shall be done in accordance with those conditions. If the Conservation Commission determines that the area which is the subject of the application is not significant to the interests protected by this Bylaw, or that the proposed activity does not require the imposition of conditions, it shall issue a permit without conditions within twenty-one (21) days of the public hearing. Permits shall expire one year from the date of issuance, unless renewed prior to the expiration, and all work shall be completed prior to expiration.

#### **SECTION 5**

The Conservation Commission shall not impose additional or more stringent conditions pursuant to Chapter 131, Section 40 of the General Laws than it imposes pursuant to this Bylaw, nor shall it require a notice of intention pursuant to Section 40 to provide materials or data in addition to those required pursuant to this Bylaw.

#### **SECTION 6**

After due notice and public hearing, the Commission may promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.

#### **SECTION 7**

The applicant shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not harm the interests protected by this Bylaw. Failure to provide adequate evidence to the Conservation Commission supporting a determination that the proposed work will not harm the interests protected by this Bylaw shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions, or, in the

Commission's discretion, to continue the hearing to another date to enable the applicant or others to present additional evidence.

## SECTION 8

The following definitions shall apply in the interpretation and implementation of this Bylaw:

The term "**person**" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agencies, public or quasi-public corporations or bodies, the Town of Douglas, and any other legal entity, its legal representatives, agents or assigns. The term "**alter**" shall include, without limitation, the following actions when undertaken in areas subject to this Bylaw:

- (a) Removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind;
- (b) Changing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood retention characteristics;
- (c) Drainage or other disturbance of water level or water table;
- (d) Dumping, discharging or filling with any material which may degrade water quality;
- (e) Driving of piles, erection of buildings or structures of any kind;
- (f) Placing of obstructions whether or not they interfere with the flow of water;
- (g) Destruction of plant life;
- (h) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

The term "**banks**" shall mean that part of land adjoining any body of water which confines the water.

The term "**normal maintenance or improvement**" of land in agricultural use shall mean only:

1. Tilling practices customarily employed in the raising of crops;
2. Pasturing of animals, including such fences and protective structures as may be required;
3. Use of fertilizers, pesticides, herbicides, and similar materials subject to state and federal regulations covering their use;
4. Constructing, grading or restoring of field ditches, sub surface drains, grass waterways, culverts, access roads and similar practices to improve

drainage, prevent erosion, provide more effective use of rainfall, improve equipment operation and efficiency, in order to improve conditions for the growing of crops.

**"Improvement"** of land in agricultural use may also include more extensive practices such as the building of ponds, dams, structures for water control, water and sediment basins, and related activities but only where a plan for such activity approved by the Conservation District of the Soil Conservation Service is furnished to the Conservation Commission prior to the commencement of work. All such activity shall subsequently be carried out in accord with said plan. In the event that the work is not carried out in accordance with the required plan, the Conservation Commission may place a stop order on said work and have recourse to such measures as if the plan were an order of conditions.

## **SECTION 9**

The Conservation Commission may adopt additional definitions not inconsistent with this Section 8 in its regulations promulgated pursuant to Section 6 of this Bylaw.

## **SECTION 10**

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this Bylaw or in violation of any permit issued pursuant to this Bylaw shall forthwith comply with any such order or restore such land to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless commenced within three years following the date of acquisition of the real estate by such person.

## **SECTION 11**

The Conservation Commission may require, as a permit condition, that the performance and observance of other conditions be secured by one or both of the following methods:

(a) By a bond or deposit of money or other negotiable securities in an amount determined by the Commission to be sufficient to secure faithful and satisfactory performance of work required by the conditions set forth, and payable to the Town of Douglas. Other evidence of financial responsibility which is satisfactory to the Conservation Commission may be accepted in lieu of bonding. Notwithstanding the above, the amount of such bond shall not exceed the estimated cost of the work required or the restoration of affected lands and properties if the work is not performed as required, whichever is greater. Such bond or other security shall be released upon issuance of a Certificate of Compliance.

(b) By a conservation restriction, easement or other covenant running with the land, executed and properly recorded (or registered, in the case of registered land).

## **SECTION 12**

The application required by the third paragraph of this Bylaw shall not apply to emergency projects necessary for the protection of the health and safety of the citizens of Douglas and to be performed by an administrative agency of the Commonwealth or by the Town. Emergency projects shall mean any projects certified to be an emergency by the Commissioner of the Department of Environmental Quality Engineering and the Conservation Commission if this Bylaw and Massachusetts General Laws Chapter 131, Section 40, as amended, are both applicable, or by the Conservation Commission if only this Bylaw is applicable. In no case shall any removal, filling, dredging or altering authorized by such certification extend beyond the time necessary to abate the emergency.

The provisions of this Bylaw shall not apply to work performed for normal maintenance or improvement of lands in agricultural use as of the effective date of this Bylaw.

## **SECTION 13**

Any person who violates any provision of this Bylaw or of any condition or a permit issued pursuant to it shall be punished by a fine of not more than \$200.00. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. This Bylaw may be enforced pursuant to Massachusetts General Laws Chapter 40, Section 21D, By a Town police officer or other officer having police powers.

Upon request of the Commission, the Board of Selectmen and Town Counsel shall take such legal action as may be necessary to enforce this Bylaw and permits issued pursuant to it.

## **SECTION 14**

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof. (\*The Wetland Bylaw was adopted under Article 6, Section 3, at a Special Town Meeting held on January 5, 1983. Amended under Article 17 at the Annual Town Meeting held on May 20, 2002, and approved by the Attorney General on August 5, 2002.)

## Article 9. Sign Bylaw

### Purpose

This Bylaw is adopted for the regulation of signs within the Town of Douglas. Created to protect and enhance the visual environment, diminish visual confusion, enhance the character of the town, and stimulate responsible business activity without unduly restricting lawful enterprise.

It is in the Town's best interest to provide the towns people and traveling public with information and guidance concerning public accommodations, facilities, commercial services and points of scenic, cultural, historic, educational, recreational, and religious interest.

It is the policy of this Town and purpose of this bylaw to prohibit and control the indiscriminate use of outdoor advertising, in an effort to better serve the public and enhances the natural rural charm of our community.

**10.1 DEFINITIONS** When used in this article, and in this article only, the following words shall have the meaning set forth below.

**10.1.1 Sign:** Any symbol, message, design or device designed to be visible from the exterior and used to advertise, identify or inform about any product, premises, person or activity.

**10.1.2 Sign Structure:** The supports, uprights, braces and framework of the sign.

**10.1.2.0 Entrance Sign:** Any sign erected at the entrance to the property of a Business where the business(es) cannot be seen from the road.

**10.1.3 Erected:** Attached, constructed, reconstructed, altered, enlarged or moved. Erected shall not mean repainted, cleaned, repaired or maintained except where a structural change is made. Altered includes changes in the lettering or symbols on the sign.

**10.1.4 Projection:** The distance a sign extends beyond the structure to which it is attached.

**10.1.5 Business Premises:** That space put to any use permitted in a business district.

**10.1.6 Industrial Use:** Any use permitted in an industrial district.

**10.1.7 Business Center:** Any aggregation of two (2) or more stores or industrial uses, which share a parking area in common.

**10.1.8 Street:** Any public way or private ways open to the public.

**10.1.9 Parking Area:** A public or private parking area for motor vehicles.

**10.1.10 Wall Sign:** Any sign attached to or erected against the wall of a structure with the display surface of the sign in a plane parallel to the plane of the wall, which does not project more than twelve (12) inches from the face of the structure.

**10.1.11 Freestanding Sign:** Any sign that is not attached to, erected on or supported by a building.

**10.1.12 Roof Sign:** Any sign attached to or erected on the roof of a structure.

**10.1.13 Individual Letter Sign:** Any sign made up of separate self-contained letters.

**10.1.14 Projecting Sign:** Any sign other than a wall sign suspended from or supported by a structure and projecting out therefrom.

**10.1.15 Temporary Sign:** Any sign intended to be used for fewer than three (3) months.

**10.1.16 Directional or Informational Sign:** Any sign erected near a street or driveway area necessary for the safety and direction of vehicle or pedestrian traffic.

**10.1.17 Business Center Identifier Sign:** A sign, which contains the place, name of a business center.

**10.1.18 Directory Sign:** Any sign listing the name and location of the occupants of a site or building.

**10.1.19 Electric Sign:** Any sign illuminated by incandescent or florescent lamps or luminous tubes.

**10.1.20 Holiday Decorations:** Any embellishment or ornament normally associated with the celebration of a holiday.

**10.1.21 Changeable, Message/Movable Sign:** Any sign intended to announce a changing product, sale or other temporary condition within a premises and capable of being moved without dismantling.

## **10.2 ADMINISTRATION AND MISCELLANEOUS**

### **10.2.1 PERMITS REQUIRED:**

10.2.1.1 No sign shall be erected except as provided by this section of the by law.

10.2.1.2 Application for a sign permit shall be made in writing upon forms furnished by the building inspector together with a scale drawing showing the construction, the method of installation or support, colors, dimensions and position of the sign, method of illumination and such other relevant information as may be requested. The application must be signed by both the owner of the premises where the sign is to be located and the owner of the sign acknowledging responsibility for compliance with the by law. An application, which is incomplete, as determined by the building inspector, shall be returned to the applicant.

10.2.1.3 Within thirty (30) days after application for a permit has been made the building inspector shall grant or deny the application. If thirty (30) days elapse without action by the building inspector, the permit applied for shall be deemed approved.

10.2.1.4 A sign permit fee, the amount to be established and posted by the Building Department.

10.2.1.5 A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of twelve (12) months from the date of the granting of the permit. The applicant shall notify the building inspector of completion of work under a permit within ten (10) days of completion.

10.2.1.6 All signs erected under this by law shall be erected in the exact location and manner described in the permit. The permit number shall be assigned and recorded by the building inspector.

## **10.2.2 EXCEPTIONS**

10.2.2.1 No sign lawfully erected before the effective date of this bylaw shall be required to comply with the requirements of this by law as to size or location.

10.2.2.2 Any sign erected before the effective date of this by law, which after said date either:

- (A) advertises, calls attention to or identifies products, persons or activities which have no longer been sold, located or carried at the premises for a period of six (6) months;
- (B) has not been repaired or properly maintained with sixty (60) days after notice to that effect has been given by the building inspector, shall be brought into compliance with the

requirements of this by law or removed.

10.2.2.3 No permit shall be required for a sign in a residential district, erected in accordance with the provisions of section 10.4.1 of this by law other than that allowed by section 10.4.2.5 if it is determined that the building design precluded effective use of a wall mounted directory sign.

10.2.2.4 No permit shall be required for any sign erected by the Town of Douglas Public Works Department or by the Commonwealth of Massachusetts or any agency thereof.

10.2.2.5 No permit shall be required for a sign in a business district erected in accordance with section 10.4.2.4 or sections 10.4.2.8 and 10.4.2.9 of this by law.

10.2.2.6 No permit shall be required for holiday decorations when displayed within forty five (45) days prior to and ten (10) days after the holiday that which they are specifically identified and which do not advertise or promote the interests of any person, premise or activity.

10.2.2.7 Signs endorsing candidates or issues for public elections may be displayed as temporary or portable signs. Such signs shall not require a permit or permit fee. Such signs shall not be erected or displayed so as to endanger public safety. Such signs shall not be erected on trees or telephone poles.

### **10.2.3 ENFORCEMENT**

10.2.3.1 The building inspector shall inspect every sign within thirty (30) days after it is erected to determine whether the sign has been erected in accordance with the provisions of the permit thereof and shall order the removal or modification of any sign erected or maintained in a manner inconsistent with such permit. Thirty (30) days notice in writing shall be given to the owner of such sign, and to the owner of the premises on which such sign is located to remove the sign or modify it so as to be in accordance with the provisions of the permit. Immediate removal may be ordered for any sign requiring a permit, which is erected without first obtaining such permit.

10.2.3.2 Any sign owner or owner of property on which a sign is located who violates, or permits a violation of this by law shall be subject to a fine of not more than fifty dollars (\$50.00) a day, if the violation continues more than thirty (30) days later of: (1) the date of the notice referred to in section 10.2.3.1 above, or (2) the date of conclusion of any appeal therefrom.

### **10.3 GENERAL REGULATIONS**

10.3.1 SIGN DIMENSIONS: The area of a sign shall be the area of the smallest rectangle within which the entire sign can fit, excluding structural supports which

do not contribute through shape, color, or otherwise to the sign's message, but including any separate surface, board, frame or shape on or within which the sign is displayed. The dimensions of a sign shall be the length and width of such a rectangle. The height of a sign shall be measured to the highest point of the sign including any structural or ornamental projections above the sign proper, from the average ground level above which the sign is located. A two-sided sign with messages on opposite sides (back to back) will be deemed to one sign. A sign with faces at any angle to each other shall be deemed to consist of several sign, one for each direction faced.

### **10.3.2 ELECTRIC SIGNS:**

10.3.2.1 Internally illuminated and neon signs are not permitted within residential districts.

10.3.2.2 No red or green lights shall be used on any sign if the sign is located so that such lights could create a driving hazard.

10.3.2.3 Internally illuminated signs, luminous signs and signs illuminated from an external source directed solely toward said sign are the only permitted methods of illumination. The light from any sign shall be so shaded, shielded or directed or shall be maintained at a sufficiently low level of intensity and brightness that it shall not cast glare beyond the perimeter of the property on which the sign is located, nor affect the safe vision of operators of vehicles moving on public ways. Only white lights shall be used for external illumination.

### **10.3.3 INSTALLATION:**

10.3.3.1 No sign shall be erected that shall in any way create a traffic hazard, nor shall it in any way obscure or confuse traffic control.

10.3.3.2 No sign, or sign structure, may project beyond the property line except in cases where a sign projects over a public way and must conform to state code.

10.3.3.3 Letter, figures, characters or representatives in cutout or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign, shall be safely and securely built or attached to the sign structure.

10.3.3.4 Signs shall be designed, constructed and erected in accordance with the state building code.

10.3.3.5 All signs shall be erected on the same lot as the premises; person or activity they are intended to advertise, call attention to or identify except as provided in section 10.3.3.6.

10.3.3.6 Six (6) signs measuring not greater than three (3) square feet each calling attention to a location concerned with the sale of agricultural and/or

horticultural products may be displayed at locations within the Town of Douglas approved by the building inspector. No permit shall be required for these signs.

**10.3.4 MAINTENANCE:**

10.3.4.1 The owner shall maintain every sign in a safe and well-maintained condition. Every freestanding sign shall be kept free and clear of all obnoxious substances, rubbish, weeds and visual obstructions.

**10.3.5 PROHIBITED SIGNS:**

10.3.5.1 Moving signs, flashing signs, revolving signs, signs consisting of pennants, ribbons, streamers, spinners, revolving beacons, search lights and animated signs illuminated to create the illusion of motions are prohibited in all districts.

**10.4 REGULATIONS AND RESTRICTIONS:** The regulations and restrictions set forth in this article shall apply to each sign in the zoning district in which it is erected irrespective of foregoing regulations and restrictions.

**10.4.1 RESIDENTIAL DISTRICTS:** No permit shall be required for the following signs, but each must be registered with the building inspector.

10.4.1.1 One wall sign or free standing sign which does not exceed six (6) square feet in area, having the name of the occupant or the designation of any authorized occupation permitted in the district, or both shall be permitted.

10.4.1.2 One wall sign or freestanding sign which does not exceed six (6) square feet in area and advertises the rental, lease, or sale of the premises; provided however such sign shall be removed within seven (7) days of the rental, lease or sale of the premises.

10.4.1.3 Temporary signs not exceeding six (6) square feet in area may be erected to warn against danger or call attention to a sale, promotion or special activity. Sign must be removed within seven (7) days after activity ends. **Exception:** Banners announcing grand opening of businesses or special events not to exceed thirty-six (36) square feet may be allowed. They may be erected up to thirty (30) days before the event but must be removed the day after the event.

10.4.1.4 The size and design of a sign identifying a subdivision shall have Planning Board approval.

**10.4.2 BUSINESS DISTRICTS:** No sign shall be permitted in a business district except as follows:

10.4.2.1 There shall be no more than two (2) exterior signs for each business premise, not including directional, informational, directory or secondary signs,

except as provided herein. The exterior sign may be a wall sign, individual letter sign, roof sign, freestanding or projecting sign. If the premises has an entrance in a wall other than the premises front, there may be a secondary sign affixed to such wall, and if the premises has a wall other than the premises front, that faces upon a street or parking area, there may be a secondary sign affixed to such wall whether or not such wall contains an entrance to the premises; provided, however, that no premises shall have more than two secondary signs in any event. The display surface of each of the secondary signs shall not exceed sixteen (16) square feet. **Exception.** In the case where a business('s) cannot be seen from the street an "entrance sign" may be allowed. An entrance sign not to exceed fifty (50) square feet may be allowed provided there is sufficient area at the property frontage and does not create a hazardous condition or obstruct traffic sight lines as approved by the Chief of Police and Building Commissioner.

10.4.2.2 The surface area of a freestanding sign shall not be more than twenty four (24) square feet. A wall sign, individual letter sign, or in the case of a one story building only, a roof sign shall not exceed four (4) feet overall in height. A wall sign, or individual letter sign on the exterior wall or roof sign on the first floor of a building, shall not exceed an area of one (1) square foot for each lineal foot of that wall. No such sign shall exceed forty (40) feet overall in width or extend beyond the full width of the premises wall on which it is mounted. The length of signs on premises occupying other than the first floor of a building shall not exceed eight (8) feet. No sign shall project above the highest line of such roof except that the sign may reach but not project above the top of the parapet wall. **Exception:** For businesses within the Commercial and Industrial zoned areas, one (1) freestanding sign, [as one (1) of the (2) exterior signs allowed] may be a size no greater than fifty (50) square feet.

10.4.2.3 A projecting sign shall not project more than six (6) feet and shall not contain more than twenty-four (24) square feet of display surface. A sign which projects over a sidewalk may not contain more than twenty-four (24) square feet of display surface.

10.4.2.4 Directional or informational signs not over nine (9) square feet in size shall be allowed. Directional or informational signs may not be located at height over six (6) feet above ground level if mounted on a building wall nor seven (7) feet above ground level if free standing.

10.4.2.5 In addition to the signs permitted under section 10.4.2.1, there may be one directory sign listing occupants or tenants of the building affixed to the exterior wall of the building at each entrance to the building. A directory sign shall not exceed an area determined on the basis of four (4) square foot for each occupant or tenant of the building.

10.4.2.6 Any business may divide the total display area of the one exterior sign affixed to the front wall of the building, to which they are entitled as herein above provided, into separate operations or departments of the business; provided, however that the total of the width of the separate signs shall not exceed the

maximum width permitted under this by law for a single exterior sign on such wall.

10.4.2.7 The standard type of gasoline pump, bearing thereon in usual size and form, the name or type of gasoline and the price thereof shall not be deemed to be a sign under this by law.

10.4.2.8 During construction of a new building a free standing sign may be erected on the premises to identify the building, the owner, the contractor, the architect, or the engineers provided, such sign shall not exceed sixty four (64) square feet in area, or ten (10) feet in width or height. Such sign shall be removed within seven (7) days of issuance of an occupancy permit.

10.4.2.9 In addition to signs otherwise permitted, one (1) wall sign or freestanding sign, not to exceed twenty four (24) square feet in area, advertising the rental, lease or sale of a premises shall be permitted. Such sign shall be temporary and shall be removed within seven (7) days of the rental, lease or sale of the premises. (\*Adopted under Article 11 at a Special Town Meeting held on April 19, 2000 and approved by the Attorney General on October 11, 2000. Amended under Article 17 at the Annual Town Meeting held on May 20, 2002, and approved by the Attorney General on August 5, 2002. Amended under Article 10 at a Special Town Meeting held on November 7, 2005 and approved by the Attorney General on December 7, 2005)

## **ARTICLE 10: BUILDING & FACILITIES CONSTRUCTION COMMITTEE**

### **Section 1 – Purpose**

To oversee and direct major public improvements constructed within the Town and provide consistent and professional oversight over public construction projects within the Town of Douglas.

### **Section 2 – Establishment**

A permanent building and facilities construction committee (the “Committee”) shall be established to implement and execute this bylaw.

#### **A. Members**

The Committee shall consist of seven voting members of whom three shall be appointed by the Town Moderator, three shall be appointed by the Board of Selectmen, and one shall be appointed by the school committee. The appointing authorities shall seek to include in the Committee membership an engineer, an architect, an attorney, a financial professional and a person representing the building and construction trades. All seven voting members shall be registered voters of the Town.

## B. Terms

Voting members shall serve for three year terms; provided however, that the Selectmen and the Moderator shall each make initial appointments as follows: one appointment for a three-year term, one appointment for a two-year term; and one appointment for a one-year term; and the School Committee shall make its initial appointment for a three-year term. Vacancies shall be filled by the appropriate appointing authority for the remainder of the unexpired term. Any member of the Committee may be removed for cause by their respective appointing authority after hearing.

## C. Non-Voting Members

The Town Engineer shall be an ex-officio member of the Committee. In addition, the Committee shall appoint at least one project proponent for each project, who need not be a resident of the Town, to serve as a project liaison to the Committee for the duration of each project. The department, board, committee, or other Town entity proposing the project shall provide a recommendation to the Committee for appointment of the project liaison. The project liaison may participate in Committee discussions on the project with which the liaison is involved, but shall not participate in the vote on said project.

## **Section 3 - Authorities and Responsibilities**

The Committee shall be primarily responsible for all work in connection with projects falling within its jurisdiction, including project manager selection, if necessary, designer selection, site planning, preliminary architectural plans and drawings, detailed architectural plans and drawings, all bid documents as well as construction supervision.

The Committee shall also:

- A. Develop, maintain and implement a municipal building and facilities needs plan;
- B. Assist policy boards and department heads in prioritizing projects and developing construction contract documents;
- C. Make recommendations to Town Meeting, the Board of Selectmen or department, board or committee requesting a project, on projects that fall under its jurisdiction;
- D. Review project status, pay requests, and change orders for projects falling under its jurisdiction.

## **Section 4 – Jurisdiction**

The Committee shall have jurisdiction over any public construction or reconstruction project that exceeds ten thousand dollars (\$10,000). Additionally, the Board of Selectmen may, in its sole discretion, place under the jurisdiction of

the Committee any public construction or reconstruction project under ten thousand dollars (\$10,000) which the Board of Selectmen deems significant.

### **Section 5 – Interrelationships**

The Committee shall serve in an advisory capacity to various Town entities, as follows:

A. Assist the board of selectmen to establish policies governing the selection of architects and designers, and to assure compliance with public bidding and procurement statutes and other requirements. The Committee shall provide project updates as requested by the Board of Selectmen, and at least annually. The Board of Selectmen shall award and execute all designer services contracts and construction contracts.

B Meet regularly with Executive Administrator to discuss ongoing projects and other tasks and to facilitate an orderly interface with municipal entities. The Executive Administrator shall provide clerical and professional assistance to the Committee. All solicitations for designer services and invitations for bids for construction shall be coordinated by the Executive Administrator as Chief Procurement Officer.

C. Meet regularly with other Town boards, committees, commissions, and officers to ensure that the Committee is fully apprised of the needs and requirements of those entities.

### **Section 6 – Meetings**

The Committee shall meet as warranted by public construction projects.

### **Section 7 – Annual Report**

The Committee shall make a report of its activities to be included in the Annual Town Report. (\*Adopted at an Annual Town Meeting under Article 18 held on May 1, 2006 and approved by the Attorney General on August 28, 2006.)