NOTICE
This is not the official version of the Town of Bedford Charter and Bylaws. While reasonable efforts have been made to assure the accuracy of the data provided, do not rely on this information without first checking an official edition of the Town of Bedford Charter and Bylaws. If you are in need of legal advice or counsel, consult a lawyer.

Charter and General Bylaws
Town of Bedford
Massachusetts

The Charter

Last Amended at Annual Town Meeting 2009
and adopted at 2010 Annual Town Election
(Current as of June 30, 2013)

and

The General Bylaws

Amended through Special Town Meeting 2013

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The effective date of this charter is July 1, 1974, a copy of which article is on file in the office of the Town Clerk.

ARTICLE 1
INCORPORATION, POWERS

Section 1-1
Incorporation
The inhabitants of the Town of Bedford, within the territorial limits as now or hereafter may be established in the manner provided by law, shall continue to be a body corporate and politic with perpetual succession under the name "Town of Bedford".

Section 1-2
Powers
The form of government provided by this Charter shall be known as Selectmen-Open Town Meeting. Pursuant to the provisions of this Charter and subject only to such limitations as may be imposed by the Constitution or General Laws of the Commonwealth of Massachusetts, the Town of Bedford shall have all powers possible for a town to have as fully and completely as though they were specifically enumerated in this Charter.

Section 1-3
Construction
The powers of the Town under this Charter shall be construed liberally in favor of the Town and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power stated in this Article.

Section 1-4
Intergovernmental Relations
Subject to the applicable requirements of any provision of the Constitution or General Laws of the Commonwealth of Massachusetts, the Town of Bedford may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

ARTICLE 2
THE TOWN MEETING

Section 2-1
Form of Town Meeting Membership
The legislative authority of the Town shall be vested in an open Town Meeting. All registered voters of the Town shall be eligible to vote on matters that come before it.

Section 2-2
Date of the Annual Town Meeting
The Annual Town Meeting shall convene on the fourth Monday in March. A warrant shall be issued in accordance with Chapter 39 Section 10 of the Massachusetts General Laws.

Section 2-3
Call of Special Town Meetings

Special Town Meetings shall be called by the Selectmen at their discretion or by petition of two hundred registered voters of the Town as provided in Chapter 39 of the Massachusetts General Laws.

Section 2-4
Adjournment
Adjourned sessions of Annual and Special Town Meeting shall reconvene within twenty-one days of adjournment.

Section 2-5
The Moderator, Election, Temporary Moderator
A Moderator shall be elected for a three-year term to preside over sessions of the Town Meetings. In the absence of the Moderator, the Town Meeting shall elect a temporary Moderator.

Section 2-6
Clerk of the Town Meeting
The Town Clerk shall record all votes and preserve as public records all proceedings of the Town Meeting sessions. If at a Town Meeting the office of Town Clerk is vacant, or if the Town Clerk is absent, the meeting shall elect a temporary Clerk.

Section 2-7
Petitioners' Warrant Articles
Petitioners' warrant articles shall be submitted to the Selectmen in written form. Ten signatures shall be required on a petition to have an article inserted in the warrant for an Annual Town Meeting, and one hundred signatures shall be required on a petition to have an article inserted in a warrant for a Special Town Meeting.

Section 2-8
Petitioners' Advisory Committee
The Moderator shall appoint an advisory committee of three persons to aid petitioners requesting assistance in preparing warrant articles. Appointees shall serve for a term of one year and shall be attorneys or persons otherwise qualified by virtue of their experience in town government.

Section 2-9
Town Meeting Vote by Consent
In preparing the warrant for Town Meeting the Selectmen may, at their discretion, place two or more items subject to a vote at Town Meeting into a consent article. A vote on a consent article shall be a vote on all items it contains; however, each item shall be printed in the article in a separate paragraph so that it is identifiable and distinct from all others. The Town Meeting may vote to amend a consent article by removing from it any item making that item subject to a separate vote. In that event a consent article shall be voted, as amended.

Section 2-10
Closing of the Warrant to Petitioners for Annual Town Meeting
The warrant for the Annual Town Meeting shall be closed to the insertion of petitioners' articles on the second Monday in January.

Section 2-11
Submission of Budgets by Elected Boards and Elected Committees to the Finance Committee

All elected boards and elected committees shall submit their budget to the Finance Committee no later than the second Monday in January. The Selectmen's budget shall be in the form specified in Article 5, Section 2 of this Charter.

Section 2-12
Submission of non-budget Articles to the Finance Committee
The Selectmen shall submit all warrant articles for the Annual Town Meeting, except the budget article, to the Finance Committee no later than the fourth Monday of January.

Section 2-13
Town Meeting Rules
Except where they are specified by Massachusetts General Laws and this Charter, rules governing the structure and conduct of Town Meeting shall be established as Town Bylaws.

Section 2-14
Quorum
The presence of one hundred registered voters shall be required to constitute a quorum at any Town Meeting for the transaction of business. However, a motion to adjourn to some other date shall not require a quorum.

Section 2-15
Attendance of Town Officials
At least one member of each elected or appointed board, commission and committee shall attend all Annual and Special Town Meetings. However, no Town Meeting power or action otherwise authorized under the Massachusetts General Laws or Bylaws of the Town shall be nullified if one or more said town officers or members do not comply with the requirement of this section.

Section 2-16
Procedure to Create a General Bylaw
Every proposed General Bylaw shall be inserted in the warrant as an article to be voted upon by Town Meeting. A public hearing shall be held by the Selectmen on each General Bylaw inserted in the warrant. Within fourteen days after they are approved by Town Meeting, proposed Bylaws shall be delivered to the Attorney General for his or her review. If not denied by the Attorney General, the General Bylaw will take effect as provided by the Massachusetts General Laws and shall continue in force until amended or repealed.

Section 2-17
Conflicting Meeting
No elected or appointed board, commission or committee shall hold a meeting during a session of any Town Meeting.

ARTICLE 3
THE SELECTMEN

Section 3-1
Establishment, General Powers
Five Selectmen shall be the chief executive body of the Town. They shall have all of the powers possible for Selectmen to have under the General Laws of the Commonwealth of Massachusetts and Town Bylaws, including powers not specifically set forth in this Charter.

Section 3-2
Specific Powers
The Selectmen's specific powers shall include, but not be limited to, the following:

- conducting the affairs of the Town not specifically granted to another office, board, commission, or committee by the Massachusetts General Laws, Town Bylaws, or this Charter.
- investigating the conduct and operation of any Town department. Upon completion of such investigation a report shall be submitted to the Town Clerk and be printed in the Annual Town Report.
- making appointments to the offices specified in Section 3 of Article 3 of this Charter. They shall also make appointments to any temporary posts and committees they create for a special purpose.

The Selectmen may delegate to the Town Manager their authority in whole or in part under Chapter 41 Section 52 of the Massachusetts General Laws, to approve all bills or payrolls for Town departments before they are paid by the Treasurer.

Section 3-3
Appointments
In addition to appointments to temporary posts and committees they may create, the Selectmen shall make the following appointments for the terms specified:

	Length of Term	
Office	No. of	Years
Council on Aging	9	3
Conservation Commission	7	3
Constables	4	3
Fence Viewers	5	1
Historic District Commission	5	3
Historic District Commission Alternate Members	2	3
Historic Preservation Commission	7	3
MBTA Representative	1	3
Measurers of Wood, Bark and Manure	5	1
Recreation Commission	5	3
Registrars of Voters	3	3
Special Police Officers	Any	1
Metropolitan Area Planning Council	1	3
Town Manager	1	Pleasure of Selectmen

Town Counsel	1	1
Town Historian	1	3
Veterans' Agent/Service Officer	1	1
Veterans' Graves Officer	1	1
Volunteer Coordinating Committee	3	3
Youth and Family Services Committee	9	3
Zoning Board of Appeals	5	3
Associate Members of the Zoning Board of Appeals	3	3

Section 3-4
Duties of Appointees
Members of appointed offices shall carry out the duties and have the authority set forth in the Constitution and General Laws of the Commonwealth of Massachusetts, this Charter, Town Bylaws, statutes and regulations of other government jurisdictions as applicable and as instructed and delegated by the Selectmen where they have the power to confer.

Section 3-5
Duties of Volunteer Coordinating Committee
The Volunteer Coordinating Committee shall identify qualified candidates for all appointive offices in the Town, except for appointees who work full or part time for remuneration, and except for appointments to the Volunteer Coordinating Committee. For each appointment made by each appointing authority, except for the just specified exceptions, it shall present the appointing authority with a list of names from which to choose, including the incumbent's name if he or she wishes to be reappointed. No appointing authority may choose an appointee whose name does not appear on such list. However, the Volunteer Coordinating Committee shall provide additional names if the appointing authority requests them or if any candidate on a list refuses appointment. The appointing authority may make an appointment without following the procedure set forth in this paragraph if the Volunteer Coordinating Committee fails to supply a list of candidates within thirty days of the date of a request.

ARTICLE 4
ELECTED OFFICES

Section 4-1
Offices, Length of Terms
The following offices shall be filled by popular vote at the regular town elections or by special election, as required:

Office	No. of Positions	Length of Term Years
Selectmen	5	3
Board of Assessors	3	3
Board of Health	5	3
Bedford Housing Authority	4	5
Planning Board	5	3
Trustees of the Bedford Free Public Library	7	3
Moderator	1	3

Regional Vocational Technical School District	2	3
School Committee	5	3

Section 4-2
Duties
Members of elected offices shall carry out duties and have the authority set forth in the Constitution and General Laws of the Commonwealth of Massachusetts, this Charter, Town Bylaws, and statutes and regulations of other government jurisdictions as applicable.

ARTICLE 5
TOWN MANAGER

Section 5-1
Conditions of Office, Duties
The Selectmen shall appoint a Town Manager who shall be qualified by education, training, or previous experience in public administration to perform the duties of the office. He or she shall be the chief administrative officer of the Town. The individual shall not have served in an elective office in the Town during the twelve months prior to the appointment. He or she shall devote full-time to the business of the Town. The Town Manager's compensation shall be set by the Selectmen within the amount appropriated by the Town Meeting. The Town Manager shall serve at the pleasure of the Selectmen; however, at least four Selectmen must vote for dismissal if the individual is to be removed from office. The Town Manager shall be responsible for the conduct of affairs placed in his or her charge by this Charter or by other legal source or delegation of authority. Among the powers and duties of the Town Manager are the following:

a. Recommend to the Selectmen for their consideration and approval policies and long-range goals to guide the plans and programs of the several offices and departments.

b. Appoint and remove, subject to the approval of the Selectmen, and supervise the heads of departments for which the Selectmen are responsible and all other town officers whose appointment is required to perform a necessary town function and who are not listed in Section 3 of Article 3. A department head is defined for this Charter as an official who, in prolonged absence of the Town Manager, would normally report directly to the Selectmen. The Town Manager shall have the power of final review and approval of subordinates' appointments, removals, and supervision of personnel under the subordinates' jurisdiction.

c. Prepare the Salary Administration Plan Bylaw amendment for approval of Town Meeting. In this regard he or she shall administer the Bylaw and perform all administrative and policy functions in said Bylaw.

d. Keep complete records of the Town Manager's office and render a report of his or her activities as often as may be required by the Selectmen but not less than once each quarter.

e. Provide staff support to the Capital Expenditure Committee to assist it in the execution of its duties.

f. Keep Selectmen informed as to the financial condition and needs of the Town and make such recommendations to them as deemed necessary or expedient.

g. Take an annual inventory of all property of the Town of Bedford.

h. Be responsible for the negotiation of all contracts within the Selectmen's jurisdiction. For the purposes of collective bargaining under Chapter 150E of the Massachusetts General Laws, the Selectmen shall be the Chief Executive Officer and the Town Manager shall be the designated representative under Section 1 of said Chapter. Contracts negotiated by the Town Manager shall be subject to the policy of and final approval of the Selectmen. The Selectmen may authorize the use of additional persons to assist the Town in negotiation of collective bargaining contracts as they deem advisable.

i. Search for economies that may accrue to the Town through joint purchasing of materials, property or services by two or more municipalities or two or more departments, offices, boards, commissions or committees of the Town.

j. Approve and execute required grant agreements or procurement contracts for materials, supplies, services or equipment, when such procurement does not require public advertising in accordance with Chapter 30B of the Massachusetts General Laws providing any necessary funds are available through appropriation or gift to the Town.

k. Perform any other duties required by Bylaws, Town Meeting, or the Selectmen.

Section 5-2
Responsibility for Budget Preparation
The Town Manager shall be responsible for the preparation of the annual budgets for departments under the authority of the Selectmen and shall submit these budgets to them for their approval. The Town Manager shall also prepare and submit a budget message to the Selectmen. It shall address the financial policies and the assumptions that affect the department budgets and enumerate and explain the differences between the current and forthcoming budgets. In the budget message the Town Manager shall also comment upon the budgets of boards, commissions, committees and offices not under the authority of the Selectmen and give an overview of budgetary trends and issues for town government as a whole.

Section 5-3
The Warrant Report
The Town Manager shall prepare a warrant report and place it in distribution to all the Town's registered voters a minimum of seven days before each Annual Town Meeting and a minimum of fourteen days before a Special Town Meeting. The warrant report shall be constructed as follows:

For each article in the warrant, a copy of the article or a summary that conveys its full contents; a statement by the submittor of the article of the reason or reasons why the provision

set forth in the article should be adopted by Town Meeting, a comment by the Selectmen, and a comment by the Finance Committee.

The Selectmen may also invite the Town officers, boards, commissions and committees affected by an article to submit a comment for the report. The warrant report for a Special Town Meeting need not be prepared if the Selectmen and the Finance committee agree that the time required for its preparation would delay the holding of such a meeting sufficiently to do harm to the town.

ARTICLE 6
FINANCIAL COMMITTEES

Section 6-1
The Finance Committee
The Finance Committee shall consist of nine members who shall serve for three-year terms. Members shall be appointed by unanimous vote of the Chair of the Finance Committee, the Moderator, and the Chair of the Selectmen. The Finance Committee shall have the powers and duties set forth in the Massachusetts General Laws and Town Bylaws.

Section 6-2
The Capital Expenditure Committee
The Capital Expenditure Committee shall consist of nine members who shall serve for three-year terms. The Selectmen, the School Committee and the Finance Committee shall each designate a person from its membership to serve on the Capital Expenditure Committee. The remaining six members shall be appointed by unanimous vote of the Chair of the Selectmen, the Chair of the Finance Committee and the Chair of the School Committee. The Capital Expenditure Committee shall have the responsibilities set forth in the Bylaws of the Town.

The Capital Expenditure Committee shall review and comment upon all studies of capital requirements of the Town and may itself conduct such studies it deems necessary to perform its duties. The committee shall review and comment upon all warrant articles for capital expenditure.

ARTICLE 7
ELECTIONS

Section 7-1
Date of Annual Town Elections
Annual Town elections shall be held on the second Saturday in March. A warrant shall be issued in accordance with Chapter 39 Section 10 of the Massachusetts General Laws.

Section 7-2
Order of Names on Ballot
For each office on the ballot the placement of a candidate's name in the list of candidates shall be determined by a number selected at random by the Town Clerk. The Town Clerk shall determine the method of random selection. Candidates, or their representatives, shall have the right to be present when the Town Clerk prepares the ballot listing for their office.

ARTICLE 8
RECALL OF ELECTED OFFICIALS

Section 8-1
Holders of an Elective Office May Be Recalled
Any holder of an elective office may be recalled and removed by the qualified voters of the Town as provided in this Charter. Recall is intended to be utilized when, in the opinion of the number of voters specified below, an elected official, acting as such, has caused a loss of confidence in his or her judgment or ability to perform reasonably the duties and responsibilities of the office.

Section 8-2
Affidavit, Petition, Preparation and Filing
Any ten qualified voters of the Town may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. The Town Clerk shall promptly transmit a copy of such affidavit to the officer sought to be recalled and to the Selectmen. Within five days from the date of the filing of the affidavit, the Town Clerk shall deliver to the ten voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. The blanks shall be issued, consecutively numbered, by the Town Clerk with the signature and official seal of the Town Clerk attached thereto; they shall be dated and addressed to the Selectmen, shall contain the name of the person sought to be recalled, the grounds of recall as stated in said affidavit, and the names of the persons to whom issued, and they shall demand the election of the successor to such office. The recall petition shall be returned and filed with the Town Clerk at or before 5:00 p.m. of the thirtieth day after issuance of the petition. Said petition before being returned and filed shall be signed by at least ten percent of registered voters and to every signature shall be added the place of residence of the signer, giving the street and number. The Town Clerk shall deliver the petition to the Registrars of Voters, and the Registrars shall, within five days, certify the number of signatures which are names of voters of the Town.

Section 8-3
Election as to Recall and Public Hearing
If the petition has a sufficient number of valid signatures and is certified by the Town Clerk and the Registrars of Voters, the Town Clerk shall allow five working days for the filing of legal challenges to the signatures on the petition.

If no challenges are filed within five working days, the Town Clerk shall immediately submit the certified petition to the Selectmen.

The Selectmen shall, within three working days, give written notice to the officer subject to recall that they have received the certification. If the officer does not resign within five working days of the date of the notice, the Selectmen shall order an election to be held on a day fixed by them not less than 60 nor more than 80 days after the date of the Town Clerk's certification.

If any other Town election is to occur within 120 days after the date of certification, the Selectmen have the discretion to postpone the recall election to the date of the scheduled election.

If a vacancy occurs in the office subject to recall after the election has been ordered, the election shall nevertheless proceed as provided in this section.

If the officer sought to be recalled requests a public hearing in writing, the Selectmen shall make provision for a public hearing on the matter. This hearing shall take place not less than seven days prior to the election.

Section 8-4
Officer Being Recalled May Be a Candidate
Any officer sought to be recalled may be a candidate to succeed to the office, and unless the officer requests otherwise in writing, the Town Clerk shall place his or her name on the official ballot without nomination. The nomination of other candidates, the publication of the warrant for the recall election, and the conduct of the same shall be in accordance with the provisions of the law relating to elections, unless otherwise provided in this Charter.

Section 8-5
Incumbent to Continue Duties Until Recalled
The incumbent shall continue to perform the duties of the office until the recall election. If then re-elected, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in Section 8-7.

If not re-elected in the recall election, s/he shall be deemed removed upon certification of the election by the Town Clerk.

If the successor fails to qualify within five working days after receiving notification of his or her election, the office shall thereupon be deemed vacant.

Section 8-6
Form of Ballots for Recall
Ballots used in a recall election shall submit the following propositions in the order indicated:

For the removal of (name of officer).
Against the removal of (name of officer).

Under the propositions shall appear the word "Candidates" and the direction "Vote for One" and beneath this the names of candidates nominated as herein before provided. In the event the recall petition is passed, the candidate receiving the greatest number of votes shall be deemed elected.

Section 8-7
Limitations on Petitions
No recall petition shall be filed against an officer within six months after taking office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six months after that election.

Section 8-8
Prohibition Against Appointment of Recalled Officer
No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against him or her shall be appointed to the office from which the person has been removed within one year after such removal by recall or resignation.

ARTICLE 9
GENERAL PROVISIONS

Section 9-1
Definitions
Where it appears in this Charter, the following term shall be explained as follows: Town shall mean the Town of Bedford. General Laws shall mean the General Laws of the Commonwealth of Massachusetts as amended to date.

Section 9-2
Phasing of Terms of Members of Boards, Commissions and Committees
Elections and appointments to all boards, commissions and committees consisting of more than one member and where terms are greater than one year shall be made in a manner that all terms of all incumbents do not expire in the same year. Wherever possible, an equal number of members of each board, commission and committee shall come to the end of their terms of office in each year.

Section 9-3
Date of Appointments
Terms of appointment shall end on June 30, or until another is duly appointed and qualified.

Section 9-4
Qualification of Elected and Appointed Officials
Except for regular Town employees, all elected and appointed officials shall be qualified by the Town Clerk within thirty days of their election or appointment.

Section 9-5
Voting of Boards, Commission, Committees
A majority vote of the total membership of any elective or appointive board, commission or committee shall be required to pass a motion.

Section 9-6
Coordination between Departments
It is the intent of this Charter that all Town boards, commissions, committees and offices shall work to avoid unnecessary duplication of maintenance, personnel, equipment and services.

Section 9-7
Compensation
All elected officials who receive remuneration shall be compensated in an amount approved annually by Town Meeting.
Section 9-8
Resignation of Town Officers
Any person holding an appointive or elective office may resign his or her office by giving a resignation in writing to the Town Clerk and such resignation shall be effective immediately, unless a time certain is specified when it shall take effect.

Section 9-9
Removal of Appointees

Any person appointed to an office, board, commission or committee may be removed by the appointing authority. Where the appointing authority is a body consisting of more than one member, a two-thirds vote shall be required for removal.

Section 9-10
Interpretation of Powers
Where questions arise concerning the power of the Town Meeting versus the powers of other bodies of Town government, the intent of this Charter is that a liberal interpretation shall be given to the powers of the Town Meeting.

Section 9-11
Severability
If any provisions of this Charter are held invalid, the other provisions of this Charter shall not be affected thereby. If the application of this Charter or any of its provisions to any person or circumstance is held invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 9-12
Specific Provisions Shall Prevail
To the extent that any specific provision of this Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

Section 9-13
Relation of Charter to Town Bylaws, Rules, Regulations, Orders, and Special Laws
Where provisions of this Charter conflict with provisions of Town Bylaws, rules, regulations, orders and special laws, this Charter's provisions shall govern. All provisions of Town Bylaws, rules, regulations, orders and special laws not superseded by this Charter shall remain in force.

Section 9-14
Charter Revision
The Selectmen shall five years from the effective date of this Charter and every five years thereafter, appoint a committee to study the working of Town government and recommend revisions and amendments considered advisable.

Section 9-15
Amendments
Amendments to this Charter relating in any way to the composition of the Town Meeting or the composition or mode of election or terms of office of the Selectmen may be proposed only by a Charter Commission elected under Chapter 43B of the Massachusetts General Laws.

Amendments to this Charter relating to other matters may be proposed by a two-thirds vote at a duly called Town Meeting in accordance with the said Massachusetts General Law.

Proposed amendments under this Charter shall be acted upon by ballot of the whole Town at a regular or special election of Town officers in accordance with the Massachusetts General Laws.

Section 9-16
Publication of Charter and Bylaws
The Selectmen shall, within one year of the adoption of this Charter and thereafter at five-year intervals, cause to be prepared a recodification of all existing Bylaws of the Town. Copies of the said Bylaws and copies of this Charter shall be made available in suitable form in the office of the Town Clerk. An amount not to exceed the actual cost per copy of reproduction may be charged

ARTICLE 10
Effective Date of Charter

The effective date of this Charter is July 1, 1974, a copy of which is on file in the office of the Town Clerk.

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ARTICLE 1. GENERAL

1.1 Current bylaws

The following provisions shall constitute the General Bylaws of the Town of Bedford and shall be substituted for all Bylaws previously in force, except Bylaws or other regulations relating to zoning and the Salary Administration Plan.

1.2 Severability

The invalidation of any section or paragraph in these Bylaws shall not invalidate any other section or paragraph.

1.3 Suspension, amendment, deletion

These Bylaws shall not be suspended for any reason although the Bylaws may be added to, amended or deleted. A public hearing shall be held by the Selectmen on any changes at least ten days prior to a presentation at Town Meeting. In the case of further amendments, additions or deletions, these Bylaws may be renumbered without further action by the Town.

1.4 General penalty for violation

In accordance with M.G.L. Ch 40 §21, the penalty for violation of any provision of the General Bylaws shall, unless a specific penalty is provided otherwise in these General Bylaws or the General Laws of the Commonwealth of Massachusetts, be punishable by a fine not exceeding three hundred dollars for each offense.

1.5 Repeal continues prior or pending action

The repeal of a bylaw shall not affect any punishment or penalty incurred before the repeal takes effect, or any suit, prosecution or proceeding pending at the time of the repeal.

1.6 Definitions

In construing these Bylaws, the following words shall have the meaning listed below unless an alternate definition is given in an article.

(a) The word "person" shall mean individual, firm, company, association, society, corporation, partnership, group, or any political subdivision of the Commonwealth.

(b) The word "voter" shall mean a duly registered voter of this Town.

(c) The words "Town officer" or "office" shall include all Town officers, whether elected or appointed, serving as a member of any board, commission, committee, or other position.

(d) The words "public place" shall include all commons, parks, playgrounds and public lands belonging to or under the control of the Town, or any of its departments, and those portions of public squares and places which do not form traveled parts of public ways.

(e) The words "public building" shall include all buildings belonging to or under control of the Town or any of its departments.

(f) The word "street" shall include the area within the roadway layout normally used for vehicular travel.

(g) The word "sidewalk" shall include the constructed walkway, or the area along a street which has been routinely used for foot travel.

(h) The word "public way" shall mean the area within the roadway layout which has been accepted by an official Town Meeting vote.

(i) The word "private way" shall mean the area within a roadway layout which has not been accepted by an official Town Meeting vote.

(j) The word "vehicle" shall mean anything constructed and designed to be propelled by power other than muscular power but shall exclude motorized wheel chairs.

(k) The word "operator" shall mean the person having charge or control of a vehicle.

1.7 Successor authorities

Words and phrases specifying or naming any board, committee, commission, or officer of the Town shall be construed as including the lawful successor or the persons having the powers and performing the duties of such board, committee, commission or officer.

1.8 Rules and regulations

Rules and regulations shall be those standards and restrictions set up by boards, departments, officers or committees who are authorized to do so by virtue of their office, by vote of the Town, by bylaw or by the Massachusetts General Laws. The rules and regulations made by any board, office, committee or commission shall be consistent with the Massachusetts General Laws, the Town Charter and these Bylaws.

1.9 Charter prevails over these Bylaws

When an amendment to the Town Charter, approved by Town Meeting and Annual Town Election, is inconsistent with a provision in these Bylaws, that amendment shall prevail.

1.10 Prior acceptance of general laws or acts

The acceptance of these Bylaws shall not void or nullify any General Law or Act previously accepted and adopted by vote of the Town.

1.11 Periodic review required

These Bylaws shall be reviewed within ten years of the previous bylaw review.

ARTICLE 2. TOWN ELECTIONS

2.1 Schedule and notice

The Annual Town Election shall be held on the second Saturday in March for the election of officers of the town. Service of the warrant for the Annual Town Election shall, unless otherwise dictated by law, be made by posting a copy at least seven days prior to the election at the Town Hall and at three other public places in Town. Compliance with this section shall constitute legal notice of the election.

2.2 Delivery of printed warrant to voters

At least seven days prior to the date of the Annual Town Election or any Special Election, the Town Manager shall cause a printed copy of the Warrant to be delivered to each household in the Town.

2.3 Nomination process

Candidates for local office shall be nominated either by circulating nomination papers available from the Town Clerk, or by participation and nomination at the Annual Town Caucus.

2.4 Citizen's caucus

The Selectmen shall call a citizen's Caucus for the selection of nominees for various elective offices of the Town. The Caucus shall be held at least seven days before the date that nomination papers must be submitted for signature certification.

The first order of business of the Caucus shall be the selection of a presiding officer and secretary. The presiding officer shall outline the rules of the Caucus, which may be amended by vote of the Caucus. The Caucus shall receive nominations from the floor for each office. A person must be present at the Caucus to be nominated. The two candidates for each position that receive the highest number of votes shall be declared nominated, providing that any nominee receives at least a minimum vote of eight percent of the caucus members voting. Following written acceptance names of the Caucus nominees shall appear on the ballot without further requirements. Caucus nominees shall be designated as such on the ballot.

2.5 Special elections

The Selectmen may call Special Elections according to the provisions of the Charter and Massachusetts General Laws.

2.6 Election officials

Officers and personnel necessary to carry out the procedure of any Town, State or Federal election shall be appointed by the Selectmen in accordance with M.G.L. C.54 §12.

ARTICLE 3. TOWN MEETING

3.1 Call of the Meeting

The Annual Town Meeting shall convene on the fourth Monday in March. Service of the warrant, unless otherwise dictated by law, shall be made by posting a copy at the Town Hall and in at least three other public places in Town, at least seven days prior to the meeting. Notification for any Special Town Meeting shall be given at least 14 days before the meeting. Compliance with this section shall constitute legal notice.

3.2 Limitations on adjournment

No motion shall be accepted that would dissolve the meeting until action has been taken on all articles. This shall not preclude an adjournment of the meeting to some other date by a majority vote, provided that any adjournment shall be no more than 21 days as stated in the Town Charter.

3.3 Notice of adjourned sessions

Notice of every adjourned session of Town Meeting shall be posted as soon as practicable in the same places where the original notice of the meeting was posted.

3.4 Delivery of printed warrant

At least seven days prior to the date of Annual Town Meeting, and 14 days for any Special Town Meeting, the Town Manager shall cause a printed copy of the Warrant to be delivered to each household in the Town.

3.5 Limited to registered voters

The attendance at any Town meeting shall be restricted to registered voters accounted for by the Town Clerk's check list, and the Moderator shall have the privilege of admitting and seating non-voters.

3.6 Rules of the Meeting

In accordance with Massachusetts General Laws the Town Moderator shall have complete jurisdiction over any Town Meeting held for the transaction of the Town's business. The rules for the meeting that are not provided for by State Law are, in order of precedence:

- Town Charter

- These Bylaws
- Rules adopted by the Town Meeting
- Town Meeting Time, the most recent edition published by the Massachusetts Moderators Association, and
- Custom of the Bedford Town Meeting

3.7 Quorum requirements

The presence of the number of registered voters specified in the Town Charter shall be required to constitute a quorum at any Town meeting for the transaction of business; however, a motion to adjourn to some other date will not require a quorum.

ARTICLE 4. TOWN MEETING PROCEDURE

4.1 Debate Rules

The following rules shall govern Town Meeting:

- No voter may speak without recognition by the Moderator.
- Speakers must give their name and address before commencing.
- No voter may speak in debate more than twice on any article without specific permission from the Moderator, except to correct a statement. Questions do not fall under this rule.
- Speakers must keep their debate within the scope of the motion on the floor.
- All questions must be directed through the Moderator.

4.2 Motions

All motions shall require a majority vote except as noted.

4.2.1 Privileged Motions

The following motions are privileged motions addressing the conduct of the meeting, and have priority, in order as shown, over any other motion or any question which may be pending:

4.2.1.1 **Dissolve or adjourn *sine die***

Final adjournment of Town Meeting may occur only after the completion of action on all articles in the warrant. Not debatable or amendable.

4.2.1.2 **Adjourn or recess**

Postpones the meeting to a specified time, which must be within 21 days. Debatable and amendable.

4.2.1.3 **Point of no Quorum**

A call for a count of voters. No vote required.

4.2.1.4 **Fix the time for which to adjourn**

Sets a certain time for later adjournment. Debatable and amendable.

4.2.1.5 **Question of privilege**

Relates to the rights and privileges of the meeting and to the rights of the members. Not debatable or amendable.

4.2.2 Subsidiary Motions

The following motions are subsidiary motions. They have a direct effect on the original or main motion. They are listed in order of their rank, which follows the privileged motions, above:

4.2.2.1 Lay on or take from the table

Postpones action on the motion for an unspecified time and resumes action at the will of the meeting. Town Meeting may not be adjourned *sine die* until some action is taken on the motion in question. Not debatable or amendable. Two-thirds majority vote required.

4.2.2.2 Previous question

Calls for a vote on the motion under discussion without further debate. Not debatable or amendable. Two-thirds majority vote required.

4.2.2.3 Limit or extend debate

Sets a time limit for each speaker or the entire debate or may reopen the bounds of debate. Debatable and amendable. Two-thirds majority vote required.

4.2.2.4 Postpone to a specified time

Postpones action on an article to a specified time, or until after a specified article. Debatable and amendable.

4.2.2.5 Commit, recommit or refer

Sends the Article to a committee or other body for further study. Debatable and amendable.

4.2.2.6 Amend or substitute

Modifies the motion on the floor, in whole or in part. A written copy of the amendment must be presented to the Moderator or the Town Clerk. Debatable and amendable.

4.2.2.7 Postpone indefinitely

Ends debate and removes the main motion from discussion without a vote on the main motion. Not debatable or amendable. A brief explanation of the reason(s) for indefinite postponement may be given. Two-thirds majority vote required.

4.2.3 Incidental Motions

The following actions have the same rank as the motion from which they arise. They are subordinate motions relating to the conduct of the meeting with respect to the motion on the floor. They are considered and acted upon before the motions out of which they arise are concluded:

4.2.3.1 Point of order

Questions a possible error of omission or commission. Neither debatable nor amendable and no vote taken.

4.2.3.2 Appeal

Moves to reverse the decision of the Moderator on a point of order. Must immediately follow the point of order. Subject to acceptance by the Moderator. Debatable but not amendable.

4.2.3.3 Division of a question

Divides a main motion or amendment where practical to discuss and vote on the separate parts. Debatable and amendable.

4.2.3.4 Separate consideration

Requests discussion on separate parts of a question which do not allow for division since the separate parts are interrelated and will not stand on their own. Debatable and amendable.

4.2.3.5 Fix the method of voting

Request a specific form of voting, different from the normal one. Debatable and amendable.

4.2.3.6 Withdraw or modify a motion

Allows the maker of a motion to withdraw or modify the motion. Not debatable or amendable.

4.2.3.7 Suspension of rules

Requests a change in the rules relating to the conduct of the meeting. Not debatable or amendable.

4.2.4 Main Motions

The following are main motions in order of the rank and stem from articles in the warrant:

4.2.4.1 Main motion

A motion made within the scope of the related article in the warrant. The motion is debatable and amendable. The main motion may require a two-thirds vote, *e.g.*, bonding and zoning.

4.2.4.2 Reconsider or rescind

Reconsideration requests reopening of debate on a motion previously voted on while rescission overturns a previous affirmative vote and defeats the motion involved. May be debatable but it is not amendable.

4.2.4.3 Advance an article

Asks to consider and discuss an article in the warrant out of order. Debatable and amendable.

4.3 Reconsideration

4.3.1 Number of reconsiderations

When a motion of reconsideration is decided, that decision shall not be reconsidered again at the same session and shall not be reconsidered more than once thereafter.

4.3.2 Notice of intent to reconsider at future meeting

Articles voted upon at any meeting shall not be reconsidered at a subsequent meeting unless notice of intent to reconsider shall be given to the Moderator prior to adjournment and publicly announced to the meeting at which the article has been voted upon.

4.3.3 Requirements for voter to move reconsideration

Reconsideration may be moved only by one who voted on the prevailing side.

4.4 Amendments

4.4.1 Amendments to amendments

An amended amendment may not be amended.

4.4.2 Order of voting on amendments

In the case of several amendments of different amounts or periods of time, the largest amount and the longest time will be voted on first, and an affirmative vote will be a negative vote of the smaller sums or shorter times.

4.4.3 Amendments to bylaws

No amendment may be made to a proposed General Bylaw printed in the warrant unless it is to correct an error in the printing which does not change the meaning. A proposed Zoning Bylaw article may be amended on the floor to be less restrictive.

4.4.4 Reports to meeting

Recommendations made in the report of any board or committee shall not be acted upon or debated at any meeting unless there is an article in the warrant.

4.4.5 Acceptance of reports to the meeting

When the report of a committee is placed in the hands of the Moderator, it shall be deemed to be received. If it is a final report, a vote to accept it shall discharge the committee. If it is an interim report, the committee continues to serve unless the Town votes to discharge the committee.

4.4.6 Amendments to articles

Any article appearing in the warrant and considered at any Town Meeting may be amended and any portion may be deleted or added to by the vote of the Town, provided the phrase "do anything in relation thereto", "pertaining thereto", or words of similar import appear in the article. Any proposed amendment must be within the scope of the article.

4.4.7 Quantum of vote on bylaws and borrowing

A motion under an article to add to or amend the Town Bylaws, unless otherwise required by the General Laws shall require a simple majority vote. An article to amend the Zoning Bylaws or one for the purpose of borrowing for a period greater than one year, shall require a two-thirds vote. A vote requiring a two-thirds majority does not have to be counted unless questioned by the Moderator or seven voters.

4.4.8 Reports and motions in writing

All reports, resolutions, motions and amendments submitted to the meeting for consideration shall be presented in writing to the Moderator.

4.4.9 Secret ballot

A majority of those present and voting may choose to vote on any article or amendment by secret ballot.

ARTICLE 5. OFFICERS OF THE TOWN

5.1 Duties and responsibilities

The duties and responsibilities of all elected or appointed officers, boards and committees shall be governed by the Massachusetts General Laws, the Charter of the Town, and these Bylaws.

5.2 Limit on number of elective offices held by one person

All elected officers of the Town may hold only one elective office at a time, except that an elected officer may be a member of a Charter Commission.

5.3 Residency required

All elected officers and appointed committee, commission and board members shall be residents and registered voters of the Town unless otherwise specifically provided in the Charter or these Bylaws.

5.4 Vacancies in elected offices

According to M.G.L. Ch. 41, §11, if there is a vacancy in an elected committee or board consisting of two or more members, other than the office of Selectman, the remaining members shall give written notice of the vacancy to the Selectmen and Town Clerk within 30 days. The Selectmen and the remaining member or members of such board shall jointly fill the vacancy by a roll call vote. The Selectmen shall fill the vacancy if the notice is not given within the 30 days specified above. The Selectmen shall give notice of the vacancy 14 days before the planned appointment. The vote of a majority of the officers entitled to vote shall be necessary for this appointment. If a Town Election is scheduled within 120 days, these officers have the discretion to defer to the Town Election. The person appointed shall perform the duties of the office until the next Annual Election or until another person is qualified. The Selectmen shall give written notice of the new appointment to the Town Clerk within seven days.

5.5 Vacancies in appointed offices

Whenever a vacancy occurs in an appointed board or committee, whether statutory or established by the Town, the remaining members shall notify the Town Clerk and the appointing authority in writing within 30 days. The appointing authority shall give notice of the vacancy seven days before the planned appointment. The appointing authority shall give written notice of the new appointment to the Town Clerk within seven days.

5.6 Organization of elected boards and committees

All elected boards and committees of the Town shall organize after the Town election. Within 30 days of the election they shall notify the Town Clerk in writing of their selection of Chair, Clerk, and any other officers.

5.7 Appointed boards and committees

Within 30 days of an appointment the names and terms of appointees shall be given in writing to the Town Clerk by all appointing authorities identified in the Charter. If the appointing authority also establishes the organization of any board or committee, that information shall be provided at the same time as the appointment. All boards and committees shall reorganize annually and notify the Town Clerk in writing of their officers.

5.8 Restrictions on the number of positions

A Town officer or salaried employee, or any agent of such officer or employee, shall not receive additional compensation for work done by him or her in another capacity for the Town. This restriction may be waived by the Selectmen. The vote on this waiver shall be recorded, along with the reasons for the waiver. This waiver shall expire at the end of the fiscal year in which the waiver was granted.

5.9 Annual report

All boards, committees, commissions**,** and officers of the Town shall annually submit a written report to the Town Manager's office not later than September 15 following the close of the fiscal year. This report shall contain a statement of the activities of their department for the past fiscal year.

5.10 Town funds

All Town officers, boards, commissions and committees shall pay all money received by them because of their office into the Town Treasury. This section will not apply where specifically exempted by the Massachusetts General Laws, or by special act accepted by the Town.

5.11 Public hearings

If a public hearing is legally required on a matter, public notice shall be given at least ten days in advance. The notice shall include a brief summary of the matter and the time and location of the hearing. The summary of the matter shall be understandable to the general public.

This section shall not apply to boards, committees, or commissions whose requirements for public hearings are specified in the Massachusetts General Laws, the Charter, or these Bylaws.

5.12 Meeting attendance

If a member of an appointed board, committee or commission is absent for three or more successive meetings without just cause, that body may vote to request that the appointing authority remove that member. The appointing authority shall hold a public hearing on the issue and provide at least 10 days notice of the hearing to the absent member. Following the hearing, the authority may remove the member by two thirds vote.

ARTICLE 6. BOARD OF ASSESSORS

6.1 Authority

The Board of Assessors is established under M.G.L. Ch. 41 §24.

6.2 Membership

The Board of Assessors shall consist of three members, each to be elected for a term of three years at the annual Town election.

6.3 Purpose

The purpose of the Board of Assessors is to establish the full and fair value of all real estate and personal property within the Town for the purpose of *ad valorem* taxation.

6.4 Responsibility

The duties of the Board of Assessors are outlined in M.G.L. Ch. 41 §24. The duties shall include, but not be limited to, assessment of all real and personal property for tax purposes, administration of motor vehicle excise taxes, maintenance of all records relating to ownership or legal status of all property within the Town, preparation of the recommendations for the tax classification distribution to be set by the Selectmen, calculations for the tax rate certification by the State Department of Revenue, and determination of filing dates for the receipt of Community Preservation Act exemption applications.

ARTICLE 7. BOARD OF HEALTH

7.1 Authority

The organization, function, powers and duties of the Board of Health are provided in M.G.L Ch. 111 §27 - 32 and Ch. 41 §1 and other applicable sections of the M.G.L.

7.2 Membership

The Board of Health shall consist of five members, each member to be elected for a term of three years at the Annual Town Election.

7.3 Purpose

The Board of Health shall promote the health and welfare of the public.

7.4 Responsibilities

The Board of Health shall enforce the state sanitary and environmental codes and all other applicable federal, state and local rules, regulations, and ordinances. Jurisdictional concerns include, but are not limited to, communicable disease, food, water, air, and tenant housing. The Board of Health shall make rules and regulations which are necessary for the health and welfare of the public.

7.5 Additional Responsibilities

The Board of Health shall have the authority to organize and direct the public health nursing services in the community.

7.6 Noncriminal Method of Disposition

The Board of Health may use noncriminal method of disposition for any violation of the Bedford Board of Health Regulations Governing Restrictions on Use, Sale and Distribution of Tobacco, as provided in Massachusetts General Laws, Chapter 40, Section 21D.

The Board of Health and/or its duly appointed agent(s) are hereby designated as officer(s) charged with enforcement authority of said regulations.

A.) Restrictions on Use(s) of Tobacco

Fine Schedule for Tobacco Use Restrictions:

1.) $20 per violation for a person who smokes in a public place.
2.) $200 per day a violation continues for any proprietor(s) or other person(s) in charge of public place or workplace who fail(s) to comply.

B.) Prohibition on Tobacco Sales to Minors

Fine Schedule for Sales to Minors:

1.) $100 for the first offense,
2.) $200 for the second offense, and
3.) $300 for any subsequent offense.

C.) Required Posting of State Law

Fine Schedule for Failure to Post:

1.) $50 for each day the violation continues and
2.) $10 fine for anyone unlawfully removing signage.

D.) Prohibition of Self-Service Displays of Tobacco Products, Free Distribution/Sampling of Tobacco Products, Reduced Pricing of Tobacco Products, Vending Machines Containing Tobacco Products, Requirements for Sales Personnel, and Restrictions on Packaging of Tobacco Products.

Fine Schedule for Self-Service Displays, Free Distribution/Sampling, Reduced Pricing, Vending Machines, Sales Personnel and Packaging:

1.) $100 for each day the violation continues.

E.) Requirement for Tobacco Sales Permits

Fine Schedule for Permits:

1.) $100 for selling tobacco products at retail without a valid Tobacco Sales Permit. If such violation is not corrected within seven (7) days of notification, the fine shall be $100 for each subsequent day the violation continues.

F.) Prohibition on Student/Faculty/Staff Use(s) of Tobacco in Bedford Schools, on Bedford School grounds, at school sponsored activities and in vehicles used in the transportation of students.

Fine Schedule for Tobacco Use Restrictions:

1.) $ 50 fine for the first offense
2.) $100 fine for the second offense
3.) $100 fine for the third offense and any subsequent offense

ARTICLE 8. BEDFORD HOUSING AUTHORITY

8.1 Authority

The Housing Authority is established under M.G.L. Ch 121B.

8.2 Membership

The Authority shall consist of five members, one appointed by the Commonwealth, and four elected for five year terms at the annual Town election.

8.3 Purpose

The Authority shall provide affordable, subsidized rental housing for people of low income.

8.4 Responsibilities

The Authority shall administer various state sponsored programs, such as those provided in M.G.L. Ch. 121B §§38-40 (Elderly and Handicapped Housing) and M.G.L. Ch. 121B §§34-37 (Veterans/Family Housing). Other responsibilities include the administration of various rental assistance programs.

ARTICLE 9. PLANNING BOARD

9.1 Authority

The Planning Board is established under M.G.L. Ch. 41 § 81A.

9.2 Membership

The Planning Board shall consist of five members, each member to be elected for a term of three years at the Annual Town Election.

9.3 Responsibility

The duties of the Planning Board are outlined in M.G.L., Ch. 40A and 41. The board shall make rules and regulations relating to subdivision control, initiate Zoning Bylaws, hold public hearings on all Zoning Bylaws submitted to the Selectmen, from time to time make studies of the resources and needs of the Town, and revise and update the comprehensive plan.

ARTICLE 10. SCHOOL COMMITTEE

10.1 Authority

The organization, function, powers and duties of the School Committee are found in M.G.L. including but not limited to Ch. 41, 43, 69, 71, 72 and 76.

10.2 Membership

The School Committee shall consist of five members, each member elected to a three year term at the Annual Town Election.

10.3 Purpose

The School Committee is the policy making body for the school system.

10.4 Responsibilities

The School Committee's responsibilities include but are not limited to the following:

a. The School Committee shall establish educational policy and educational standards that are consistent with the requirements of the law and statewide goals and standards of the Massachusetts Department of Elementary and Secondary Education.

b. The School Committee shall review and vote to approve an annual budget for public education in the Bedford Public Schools and shall hold a public hearing on the budget prior to Annual Town Meeting.

c. The School Committee shall have the authority to appoint and terminate the Superintendent and Assistant Superintendent.

d. The School Committee shall have jurisdiction over all public property placed in its charge either by state law or vote of the Town.

ARTICLE 11. SELECTMEN

11.1 Authority

The Selectmen shall be the officers in charge of the Department of Public Works and shall be responsible for the construction, repairs and maintenance of the following:

(a) Streets, sidewalks, bike paths and bridges
(b) Cemeteries
(c) Parks and Playgrounds
(d) Water and development of new water supplies
(e) Sewerage and sewerage disposal
(f) School and Library grounds
(g) Town Recycling Center (former Land Fill)
(h) Refuse and garbage collection and disposal
(i) Trees on Town Property
(j) Drainage structures affecting the Town

The Selectmen may make any rules and regulations required for the operation, construction, maintenance and repairs of Town facilities and functions.

11.2 Purpose

The Selectmen are the executive body of the Town and shall have the general direction and management of the property, buildings and affairs of the Town in all matters not otherwise provided for by law or these Bylaws.

11.3 Protect the interests of the Town

The Selectmen may appear either personally or be represented by the Town Counsel, or by special counsel, before any court or any State or County Board or commission to protect the interests of the Town but are not authorized by these Bylaws to commit the Town to any course of action.

11.4 Defend the Town from claims and suits

The Selectmen shall take necessary steps to defend all claims and suits brought against the Town, and they shall have authority to engage additional counsel, and they may settle at their discretion any such claim or suit to which the Town is a party and which does not require the payment of more than $5,000. Any settlement requiring a payment of more than $5,000, except as authorized by law, shall be made only when authorized by a Town Meeting.

11.5 Collection of funds due the Town

The Selectmen shall, through counsel or otherwise, take any necessary action to collect moneys due the Town.

11.6 Conveyances of land

All conveyances of land or interest in land shall be signed by a majority of the Selectmen, unless otherwise provided by law or by vote of the Town, and shall be sealed with the Town Seal.

11.7 Sale of land

The Selectmen may sell any land acquired by the Town through foreclosure of a tax title or through purchase of land of low value at any time after advertising in a newspaper having circulation in the Town once a week for three successive weeks, the first publication to be at least 21 days before date of sale. They may execute, acknowledge and deliver on behalf of the Town all papers necessary to effectuate any such sale.

11.8 Building numbers

The Selectmen may order numbers to be affixed to any dwelling or buildings on all streets at their discretion. The owner of every dwelling or building shall comply with this order within ten days after notice.

11.9 Establishment of fees

The Selectmen shall determine and establish all fees for permits issued by them or their appointed officers unless otherwise specified in the Massachusetts General Laws.

11.10 Charges for documents and copying

The Selectmen shall determine and establish charges to be made to residents or non-residents for copies of the Town Bylaws, Zoning Bylaws, or any other Town documents for which, in their opinion, a charge should be made.

11.11 Traffic rules and regulations

The Selectmen, with the assistance of the Chief of Police, shall establish Traffic Rules and Regulations for the Town and such Traffic Rules and Regulations shall be filed with the Clerk of the Court having jurisdiction. The Clerk of the Selectmen or the Town Manager shall keep up to date, in the office of the Selectmen, at least two copies of the Traffic Rules and Regulations, including all amendments.

11.12 Traffic enforcement on private property

Upon written request to the Selectmen from owners of property or of a business for an officer or officers to direct traffic on private property, the Selectmen may establish Traffic Rules and Regulations for such property or use any portion of the Town Traffic

Rules and Regulations and/or the General Bylaws of the Town that are applicable. A copy of the written request shall be filed with the Clerk of the Court having jurisdiction.

ARTICLE 12. TRUSTEES OF THE BEDFORD FREE PUBLIC LIBRARY

12.1 Authority

The Board of Trustees is authorized in M.G.L. Ch. 78 as amended by special Acts including but not limited to Ch. 198 of the Acts of 1952 as amended by Ch. 726 of the Acts of 1973.

12.2 Membership

The Board of Trustees shall consist of seven members each to be elected for a three year term at the Annual Town Election. The Trustees are authorized to fill vacancies until the next Annual Town Election.

12.3 Purpose

The purpose of the Board of Trustees is to administer the programs, services and property of the Bedford Free Public Library.

12.4 Responsibilities

- To appoint a Library Director to supervise the operation of the library.
- To establish policies with respect to the programs and services of the library.
- To receive and administer all funds and personal property bequeathed or donated to the library.

ARTICLE 13. FINANCES

13.1 Finance Department

The Town Manager shall appoint a Director of Finance. This Director shall oversee the general operations of the Finance Department, Treasurer, Town Collector, and Town Accountant. The offices of Treasurer and Town Collector may be held by the same person. The Town Manager may appoint assistants to the offices as needed for continuity of operations within the appropriations for the various agencies.

13.1.1 Treasurer

The Treasurer shall be the custodian of all Town insurance policies, bonds related to municipal borrowings, and all public official surety bonds.

The Treasurer shall prepare a report for the annual printed report of the Town that specifically states the items, if any, for which the debt of the Town may have been increased during the preceding year. This report shall include:

(a) A list of all notes issued during the year, the purposes for which the money was borrowed, listing the dates, amount, term, rate of interest, time of maturity, any premium and the names of the parties from whom the funds were borrowed.

(b) A list of all notes paid during the year.

(c) A full statement of all moneys, properties and securities held for the Town by virtue of any statute, bylaw, gift, devise, bequest or deposit.

The Town Treasurer shall provide the Selectmen with a written list of land acquired by the Town through foreclosure of a tax title at the end of each fiscal year. The Treasurer shall also provide a list of all tax title land in possession of the Town.

13.1.2 Town Collector

The Town Collector shall collect taxes when a tax list and warrant are furnished by the Assessors, and revenue from water and sewer bills as generated by the Department of Public Works. The Collector shall transfer these receipts to the Treasurer and inform the Assessors of the tax collection status of all properties. The Collector shall inform the Department of Public Works of the collection status of water and sewer revenue. The Collector shall perform all the duties of a Collector of Taxes established by the General Laws of the Commonwealth of Massachusetts.

13.1.3 Town Accountant

The Town Accountant shall have custody of all uncompleted contracts, agreements, and any attachments. Upon completion of a contract or agreement for either the Town or School Department, the Accountant shall maintain them as a part of the permanent records of the Town. A signed copy of an executed contract shall be filed with the Town Accountant promptly. This shall apply to all documents, including amendments and attachments.

The Town Accountant shall keep a complete set of records for each specific appropriation, including the amount and purposes of expenditures and receipts for each source of income.

The Accountant shall notify other Town Officers of the status of their appropriation each month.

The Town Accountant shall perform all other duties prescribed under M.G.L. Ch. 41 that pertain to the Town Accountant.

13.2 Unexpended Balances of Special Articles

Any unexpended balance of an appropriation made for a specific purpose, except proceeds from bonds and notes, shall be transferred to surplus revenue two years after the date the appropriation becomes available. Unexpended balances may be transferred earlier to surplus revenue upon receipt of a statement that the specific purpose has been accomplished and that no liabilities remain, unless any balance is earlier transferred to another use by Town meeting vote, or unless a date is otherwise specified in the original appropriation vote.

The Selectmen may extend the expiration date upon written request from the responsible department on a year to year basis for a period not to exceed a total of five years from the date of the availability of the appropriation.

13.3 Annual Audit

Subject to an appropriation, the Selectmen shall contract with a Certified Public Accountant to perform an audit of the Town's records for the previous fiscal year.

ARTICLE 14. FINANCE COMMITTEE

14.1 Authority

The Finance Committee shall have authority to prepare the annual budget of the Town and to consider any or all municipal questions for the purpose of making reports or

recommendations to the Town, as provided in M.G.L. Ch. 39, §16. The Finance Committee shall have authority to vote transfers from the reserve fund as provided in M.G.L. Ch. 40 §6.

14.2 Membership

The Finance Committee shall consist of nine members, chosen by an appointing committee composed of the Moderator, the Chair of the Selectmen, and the Chair of the Finance Committee. The appointing committee shall unanimously appoint members for a term of three years or, in the case of mid-term vacancies, for the duration of the vacant term. No member of the Finance Committee shall be a member of any other Town board or hold any elected or appointed positions as an official or employee of the Town except as provided by the Charter, these Bylaws, or Town Meeting action. The following offices shall be exempt from this rule:

(a) any body considering the structure of Town government, including a Charter Commission

(b) any committee considering overall fiscal planning for the Town

14.3 Responsibilities

The Committee shall, prior to each Annual Town Meeting, prepare for publication in the warrant report a budget showing in detail the anticipated income and expenditures of the Town for the next fiscal year, together with its advice and recommendations on the appropriations of the Town funds and other matters pertaining to the future expenditures of money coming before Town Meeting.

The Committee shall present and explain the budget with its advice and recommendations at Annual Town Meeting. At any Special Town Meeting the committee shall give its advice and recommendations regarding any appropriation of Town funds.

ARTICLE 15. CAPITAL EXPENDITURE COMMITTEE

15.1 Authority

The Capital Expenditure Committee was established by the Charter of the Town adopted in March 1974.

15.2 Membership

The Capital Expenditure Committee shall consist of nine voting members who shall serve for three-year terms. The Selectmen, the School Committee and the Finance Committee shall each designate a person from its membership to serve on the Capital Expenditure Committee. Six of the members shall be appointed at-large by unanimous vote of the Chair of the Selectmen, the Chair of the School Committee, and the Chair of the Finance Committee. The Committee shall elect a chair from the at-large members.

An at-large member of the Capital Expenditure Committee shall not be a member of any other Town body or hold an office involved in planning, considering, or executing an expenditure that may be subject to review by the Committee. A member of the Capital Expenditure Committee may be a member of a body considering overall fiscal planning for the Town.

15.3 Purpose

The Capital Expenditure Committee shall consider capital appropriations and make recommendations to Town Meeting based on a six-year plan.

15.4 Definition of Capital Expenditures

Capital expenditures are for items and projects that are expected to last more than one year, and have significant monetary value. The Capital Expenditure Committee shall annually establish the level for the minimum appropriation and the life expectancy that are considered capital expenditures after consultation with knowledgeable officials of the Town.

15.5 Responsibilities

The Capital Expenditure Committee shall prepare and annually update a six-year plan for spending on town capital projects. It shall be submitted in written form to the Selectmen and the Finance Committee not less than ten working days before the end of the calendar year. The plan shall include expenditures for new construction, major improvements to existing town property and for major purchases of equipment by all town departments, offices, boards, commissions and committees. The plan shall be prepared on the basis of town-wide priorities and shall consist in part of a list of expenditures, by item, for each year of the plan.

ARTICLE 16. REGISTRARS OF VOTERS

16.1 Authority

The Board of Registrars is established under M.G.L. Ch. 51 §15.

16.2 Membership

The Board of Registrars shall consist of the Town Clerk and three residents of the Town appointed by Selectmen with recommendations from the Democratic and Republican Town Committees. There cannot be a majority of any party represented (M.G.L. Ch. 51 §18).

16.3 Purpose

The purpose of the Board of Registrars is to protect the voters' rights.

16.4 Responsibilities

- The Board of Registrars is responsible for the voter registration process, maintaining voter registration records, and sending certain records to the Secretary of the Commonwealth (M.G.L. Ch. 51 §33).
- The Board of Registrars is responsible for the preparation of the following:
  a. Street List (M.G.L. Ch. 51 §§4, 10A, and 14)
  b. Voter Registration List (M.G.L. Ch. 51 §§37, 38, and 58)
  c. Voting List by July 1 in State Election Years (M.G.L. Ch. 51 §§55, 56, and 58)
- The Board of Registrars is responsible for the following:
  a. Certification of signatures on nomination papers and petitions (M.G.L. Ch. 53 §§7 and 22A; M.G.L. Ch. 54, §135)
  b. Issuance of party enrollment certificates (M.G.L. Ch. 53 §48)
  c. Certification of absentee voter applications (M.G.L. Ch. 54 §§91 and 103G)
  d. Investigation of objections and challenges to local nomination papers (M.G.L. Ch. 55B §7)

- If the Selectmen fail to appoint election workers from the Town Democratic or Republican party lists, the Board of Registrars may do so (M.G.L. Ch. 54 §12)
- The Board of Registrars is responsible for voting recounts (M.G.L. Ch. 54 §§135 and 135A)

ARTICLE 17. TOWN CLERK

17.1 Authority

The office of Town Clerk is required by M.G.L. Ch. 41, §15.

17.2 Purpose

M.G.L. Ch. 40, §48 outlines some of the powers and duties of the Town Clerk. These include

- record keeping
- election functions
- registration of voters
- recording and reporting the annual census and vital statistics
- issuing licenses
- transmittal of certain reports regarding the Town to the Secretary of State, the Attorney General, and the Department of Public Health
- keeper of the Town Seal and
- other duties specified in many sections of the General Laws.

17.3 Member of the board of registrars

The Town Clerk shall be a member of the Board of Registrars of Voters as provided in the General Laws.

17.4 Custody of original documents

The Town Clerk shall keep all deeds, surety bonds relating to developments, and other original documents with their attachments relating to the affairs of the Town. The Town Clerk shall not allow deeds, bonds**,** and other original documents of the Town to be taken from the Town Clerk's office except as they remain in the Town Clerk's custody or by authority of law.

17.5 Records of land

The Town Clerk shall see that every conveyance to the Town of any interest in land, except as otherwise provided by law, is duly recorded in the proper registry, and the Clerk shall have the custody of all such recorded instruments after they are returned from the Registry. The Clerk shall keep in a book devoted to that purpose alone with true copies of all conveyances executed and delivered by the Town of any interest in land.

17.6 Town reports

The Town Clerk shall keep and cause to be permanently bound one or more files of the Town Reports.

17.7 Notification of elected and appointed officers

The Town Clerk shall notify, or cause to be notified, all persons elected or appointed to committees and boards of their election or appointment.

17.8 Records of Town bylaws

The Town Clerk shall keep up to date all Town Bylaws with a record of all deletions, additions or amendments voted by the Town and approved by the Attorney General's

office after the effective date of these Bylaws. The Town Clerk shall have available copies of the Bylaws as currently amended.

17.9 Transmittal of actions and votes

The Town Clerk shall furnish the various Town officers and committees a copy of any action or vote of the Town which affects them immediately after each Town Meeting.

17.10 Vital statistics

The Town Clerk shall prepare an annual report of the vital statistics of the Town for publication.

17.11 Abstracts of records

The Town Clerk shall submit to the Selectmen an abstract of the official records of all Town Meetings and of the vital statistics which shall be published in the Annual Town Report.

17.12 Fees

The fees of the Town Clerk shall be as follows:

17.12.1 Births

A. For entering an amendment to a record of the birth of a child born out of wedlock, subsequently legitimized (adoption) {M.G.L. Ch. 262, §34(11)} 25.00
B. For correcting errors in a record of birth {M.G.L. Ch. 262 §34(12)} 25.00
C. For furnishing certificate of a birth {M.G.L. Ch. 262 §34 (13)} 10.00
D. For furnishing an abstract copy of a record of birth {M.G.L. Ch. 262, § 34(13A)} 4.00
E. For entering a delayed record of birth {M.G.L. Ch. 262, §34(14)} 20.00

17.12.2 Filing Business Certificates

A. For initial filing of a certificate of a person conducting business under any title other than his or her real name {M.G.L. Ch. 262, §34 (20)} 35.00
B. For Certificates of Renewal of a business certificate (M.G.L. Ch. 110, §5) 20.00
C. For filing by a person conducting business under any title other than his or her real name of a statement of: (1) change of his or her residence, (2) his or her discontinuance, (3) retirement, (4) withdrawal from, or (5) of a change of location of the business {M.G.L. Ch. 262, §34(21)} 1.00
D. For furnishing a certified copy of the certificate of a person conducting business under any title other than his or her real name, or a statement by such person of his or her discontinuance, retirement or withdrawal from such business {M.G.L. Ch. 262, §34, (22)} 5.00
E. The provisions of sections 1-2 may be enforced by noncriminal disposition as provided in M.G.L., Ch. 40, Sec. 21D. The penalty for such violation shall be $25.00 for the first offense, $50.00 for the second offense and $100.00 for the third and each subsequent offense. Each day of non-compliance shall constitute separate offense. The Town Clerk shall carry out enforcement.

17.12.3 Death Certificates

A. For correcting errors in a record of death {M.G.L. Ch. 262, §34(29)} 25.00
B. For furnishing a certificate of death {M.G.L. Ch. 262, §34(30)} 10.00
C. For furnishing an abstract copy of a record of death (M.G.L. Ch. 262, §34(30A)} 4.00

17.12.4 Marriages

A. For entering notice of the intention of marriage and issuing certificates {M.G.L. Ch. 262, §34 (42)} 30.00

B. For entering certificate of marriage filed by persons married out of the Commonwealth {M.G.L. Ch. 262, §34(43)} 20.00
C. For issuing certificate of marriage {M.G.L. Ch. 262, §34(44)} 10.00
D. For furnishing an abstract copy of a record of marriage {M.G.L. Ch. 262, §34(44A)} 4.00
E. For correcting errors in a record of marriage {M.G.L. Ch. 262, §34(45)} 25.00

17.12.5 Pole Locations, etc.

A. For recording of an order granting locations of poles, piers, abutments or conduits, alterations or transfer, and increases of number of wires and cable or attachments under the provisions of M.G.L. Ch. 166, §22 {M.G.L. Ch. 262, §34(62)} 60.00
B. For each street or way included in an order as specified in Section 10.5.1 of the bylaw {M.G.L. Ch. 262, §34(62)} 10.00

17.12.6 Licenses for explosives and inflammable materials

A. For issuing or renewing a license (M.G.L. Ch. 148, §13) 60.00
B. For failure to renew a license by May 1, the following fines will be assessed:
Under 30 days 25.00
30 to 60 days 50.00
Over 60 days 100.00

17.12.7 Raffles and Bazaars

A. For issuing or renewing a license (M.G.L. Ch. 271, §7A) 25.00

17.12.8 Other

A. For furnishing or accepting any paper not specifically named herein, the fee shall be in accordance with the provisions of M.G.L. Ch. 262, §34, or any other applicable M.G.L.

ARTICLE 18. TOWN COUNSEL

18.1 Appointment, compensation

The Selectmen shall annually in the month of June appoint Town Counsel. Compensation will be determined by the Selectmen, subject to appropriation by the Town.

18.2 Purpose

Town Counsel shall act as the legal advisor and counselor of the Town.

18.3 Deeds, contracts, etc.

Town Counsel shall examine or cause to be examined all titles to property in which the Town may acquire an interest. When by law, usage or agreement, the Town is to bear the expense, Town Counsel shall draft all deeds, obligations, contracts, bonds, leases, conveyances, agreements and other legal instruments of whatever nature which may be required by any bylaw, vote or action of the Town or any board or officer to which the Town or its agents may be a party. The Selectmen may employ additional or special counsel.

18.4 Represents the Town in court

Town Counsel shall institute all actions at law and in equity ordered to be brought by the Selectmen and shall appear before any court in the Commonwealth in defense of all actions brought against the Town or its officers in their official capacity. Town

Counsel shall try any and all cases to which the Town shall be a party before any tribunal in this commonwealth or before any board or referees or commissioners.

18.5 Prosecution

Town Counsel shall, if requested by the Selectmen or Chief of Police, prosecute in court any case or violation of the Statutes of the Commonwealth or bylaws of the Town.

18.6 Limitation on right to make settlement

Town Counsel shall not make final settlement of any litigation to which the Town is a party unless written authorization has been issued by the Selectmen or Board having jurisdiction or by vote of the Town.

18.7 Annual report

Town Counsel shall report at least annually to the Selectmen concerning the professional services rendered during the preceding year.

ARTICLE 19. CONSERVATION COMMISSION

19.1 Authority

The Conservation Commission is established under M.G.L. Ch. 40 § 8C.

19.2 Membership

The Conservation Commission shall consist of seven members appointed by the Selectmen to serve three year terms.

19.3 Purpose

The purpose of the commission is to protect the environmental resources in the Town through administration and enforcement of relevant state law and Town Bylaws and through management of properties acquired for conservation purposes.

19.4 Responsibilities

- Conduct hearings, issue permits, and monitor construction on projects subject to the Massachusetts Wetlands Protection Act, Rivers Protection Act and Town of Bedford Wetlands Protection Bylaw;
- Coordinate periodic updating of the Town's Open Space and Recreation Plan in order
  a. to identify conservation needs and eligible properties and
  b. to qualify for matching State and Federal funds; and
- Acquire and manage properties for conservation purposes through gifts, funding from the Conservation Fund, or through Town Meeting action.

ARTICLE 20. HISTORIC DISTRICT COMMISSION

20.1 Authority

The Historic District Commission shall be constituted as set forth in the Charter. Its authority is provided under Chapter 118 of the Acts of 1964 and subsequent amendments which established the Historic District.

20.2 Membership

The Historic District Commission shall consist of 5 members and 2 alternate members appointed by the Selectmen to fill three year terms.

20.3 Purpose

The purpose of the Commission is to administer and to enforce the provisions of the special legislation.

20.4 Responsibilities

The Commission shall ensure that no building or structure within the Historic District is erected, changed as to exterior color features, demolished or removed without the approval of the Commission and that no sign is installed or landscaping undertaken in the Historic District which is subject to view from a public way without the approval of the Commission.

ARTICLE 21. ZONING BOARD OF APPEALS

21.1 Authority

The Zoning Board of Appeals is established under M.G.L. Ch. 40A, §§ 8 & 9.

21.2 Membership

The Zoning Board of Appeals shall consist of five full members and three associate members appointed for three year terms by the Selectmen.

21.3 Responsibility

The Board shall hold public hearings to consider petitions for a variance or special permit and public hearings on appeals brought to the board by anyone aggrieved by a decision of the Zoning Enforcement Officer or the Inspector of Buildings.

ARTICLE 22. BEDFORD HOUSING PARTNERSHIP

22.1 Authority

The Bedford Housing Partnership is established by the Selectmen.

22.2 Membership

The Bedford Housing Partnership shall consist of nine voting members. Seven shall be appointed by the Selectmen for staggered three-year terms from among housing interests within the community that affect or are affected by housing practices such as tenants' associations, real estate concerns, banks, apartment managers, attorneys, veterans, civil rights and other special interest organizations, and local residents. One member shall be designated by the Bedford Housing Authority and one member shall be designated by the Planning Board.

22.3 Purpose

The Bedford Housing Partnership shall implement fair and affordable housing programs and encourage the growth and maintenance of the supply of affordable housing within the Town of Bedford.

22.4 Responsibilities

The Bedford Housing Partnership shall:

- Develop criteria for eligibility and assist in the determination of eligible applicants for affordable housing.
- Investigate methods of land acquisition and affordable housing development.
- Investigate sources of funding for land acquisition and affordable housing development.
- Review all affordable housing proposals and make recommendations.

- Recommend policy positions statements, bylaw changes, and changes or additions to the Town's Fair Housing Program and Plan to the Selectmen, Planning Board and Housing Authority.
- Identify problem areas and potential barriers to implementing the Town's fair housing goals, and recommend solutions.
- Assist in the dissemination of fair housing and affordable housing literature.
- Work to increase public awareness of the Town's responsibility to take affirmative action with respect to meeting the region's diverse housing needs, especially the needs of minorities, handicapped and female heads-of-households.

ARTICLE 23. MUNICIPAL AFFORDABLE HOUSING TRUST

23.1 Authority

The Municipal Affordable Housing Trust is established under M.G.L. Chapter 44, Section 55C.

23.2 Membership

The Municipal Affordable Housing Trust shall consist of seven members appointed by the Selectmen for two-year staggered terms. The seven members shall include two Selectmen, the Town Manager, two members of the Housing Partnership and two at large members.

23.3 Purpose

The Municipal Affordable Housing Trust shall work towards the creation and preservation of affordable housing in Bedford for the benefit of low and moderate income householders.

23.4 Responsibilities

The Municipal Affordable Housing Trust shall exercise any and all of the powers legally authorized under M.G.L. Chapter 44, Section 55C.

ARTICLE 24. BEDFORD CULTURAL COUNCIL

24.1 Authority

The Bedford Cultural Council is part of the Local Cultural Council Program administered by the Massachusetts Cultural Council (M.G.L. Ch. 10, §58). Policies and procedures for its operations are as set forth in 962 CMR 2.00.

24.2 Membership

From five to twenty-two members are appointed by the Selectmen for three year terms. Members may serve a maximum of two consecutive terms; following a one year hiatus, a member may be reappointed. Council members should have a demonstrated interest or record of service to the arts, humanities or interpretive sciences.

24.3 Purpose

To support public projects through the regranting of the annual allocation of funds from the Massachusetts Cultural Council (MCC). These projects shall promote access, education, diversity, and excellence in the arts, humanities, and interpretive sciences in Bedford.

24.4 Responsibilities

- To solicit community input and assess local cultural needs
- To establish priorities and guidelines for the review of local grant applications
- To communicate with the public about its activities
- To review and recommend action on local grant applications
- To report to the MCC
- In addition, the Bedford Cultural Council may also
  - Raise funds from sources other than the State
  - Initiate Council-originated projects

ARTICLE 25. BICYCLE ADVISORY COMMITTEE

25.1 Authority

The Bicycle Advisory Committee is established by the Selectmen.

25.2 Membership

The Bicycle Advisory Committee members are appointed by the Selectmen who also determine the number of members and their terms.

25.3 Purpose

The purpose of the Bicycle Advisory Committee is to encourage use of bicycles by Bedford residents, workers, and visitors in order to decrease traffic congestion and air pollution, and increase recreational opportunities.

25.4 Responsibilities

The responsibilities of the Bicycle Advisory Committee are monitoring activities on current bike paths, planning additional bike paths, signage and facilities for bikers, and working to make bicycle use in Bedford safe.

ARTICLE 26. CABLE TELEVISION COMMITTEE

26.1 Authority

The Cable Television Committee is established by the Selectmen under 207 CMR 3.01(3).

26.2 Membership

The Cable Television Committee members are appointed by the Selectmen who also determine the number of members and their terms.

26.3 Purpose

The purpose of the committee is to advise the Selectmen on licensing and operation of cable television in the Town, including matters pertaining to Public, Educational, and Governmental (PEG) access.

26.4 Responsibilities

The committee responsibilities are to:

- Monitor the Cable Operators' license and the PEG Access Service Provider's contract for compliance;
- Inform relevant parties of instances of license or contract noncompliance;
- Investigate and work to resolve any consumer problems relating to the operation of cable television.

ARTICLE 27. COMMUNITY PRESERVATION COMMITTEE

27.1 Authority

The Community Preservation Committee is established under M.G.L. Ch 44B §5.

27.2 Membership

The Community Preservation Committee shall consist of nine members appointed by the Selectmen for staggered three year terms. One member each from the Conservation Commission, Historic Preservation Commission, Planning Board, Selectmen (acting as Park Commissioners), Housing Partnership, Recreation Commission and Housing Authority shall be required.

27.3 Responsibilities

The Community Preservation Committee shall perform duties required of the committee as outlined in Section 5 of the Massachusetts General Laws Chapter 44B, including study of community preservation needs, communicating with other municipal boards and committees, holding public informational hearings, and making funding recommendations to Town Meeting.

ARTICLE 28. COUNCIL ON AGING

28.1 Authority

The Council on Aging is established under M.G.L. Ch 40 §8B.

28.2 Membership

The Council on Aging shall consist of nine members appointed by the Selectmen for three year terms.

28.3 Purpose

The purpose of the Council on Aging is to coordinate and carry out programs designed to meet the needs of the aging and their care providers in the Town of Bedford.

28.4 Responsibilities

The Council shall:

- identify and assess the concerns and interests of the over-60 population of the Town, as well as the existing resources to meet those needs
- develop and implement programs and services for the aging population and coordinate services and programs with other Town departments and the existing elder service network in the area and state
- educate the public at large as to the variety and extent of elder needs, skills, and services

ARTICLE 29. HISTORIC PRESERVATION COMMISSION

29.1 Authority

The Historic Preservation Commission (formerly Historical Commission) shall be constituted as set forth in the Charter. It was established by adoption of M.G.L. Ch. 40, §8D (1971 ATM).

29.2 Membership

The Historic Preservation Commission shall consist of 7 members, preferably with historic preservation and/or architectural experience and interests, appointed by the Selectmen to fill 3-year terms.

29.3 Purpose

The purpose of the Commission is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of the buildings, places and sites significant to the history of the Town of Bedford.

29.4 Responsibilities

Responsibilities of the Commission are to:

(a) Conduct research on places of historic, architectural or archaeological value

(b) Cooperate with the state archaeologist in conducting research and surveys

(c) Seek to coordinate the activities of other historic preservation groups organized for similar purposes

(d) Compile and maintain an inventory of buildings, areas and sites of architectural, historical and archaeological importance

(e) Recommend the acquisition or acceptance in the name of the Town of Bedford of real or personal property of significant historical value and manage the same, subject to approval of the Selectmen and a Town Meeting vote for the purchase or lease of real property

(f) Submit opinions and recommendations to other town boards and committees on topics of architectural and historical concern and act as a clearing house for preservation information.

ARTICLE 30. VOLUNTEER COORDINATING COMMITTEE

30.1 Authority

The Volunteer Coordinating Committee is as established by the Bedford Town Charter.

30.2 Membership

The Volunteer Coordinating Committee shall consist of three members appointed by the Selectmen for three year terms.

30.3 Purpose

The Volunteer Coordinating Committee shall recruit and identify qualified candidates for all appointive offices in the Town, except for appointees who work full or part time for remuneration and except for appointments to the Volunteer Coordinating Committee.

30.4 Responsibilities

The Volunteer Coordinating Committee shall present, for each appointment made by each appointing authority, a list to the appointing authority of names from which to choose, including the incumbent if he or she wishes to be reappointed. No appointing authority may choose an appointee whose name does not appear on such list unless the three names have not been provided within 30 days. The Volunteer Coordinating Committee, however, shall provide additional names if so requested.

ARTICLE 31. PETITIONERS ADVISORY COMMITTEE

31.1 Authority

The Petitioners Advisory Committee is established by the Bedford Town Charter.

31.2 Membership

The Petitioners Advisory Committee shall consist of three members appointed by the Moderator for one year terms. The members shall be attorneys or persons otherwise qualified by their experience in Town Government.

31.3 Purpose

The members of this committee shall aid those Town citizens who require assistance in preparing petitioners warrant articles for Annual or Special Town Meetings.

ARTICLE 32. TRANSPORTATION ADVISORY COMMITTEE

32.1 Authority

The Transportation Advisory Committee is established by the Selectmen.

32.2 Membership

The Transportation Advisory Committee, appointed by the Selectmen for three year terms, shall consist of seven members to include one Selectman and one Planning Board member, one member each representing bicycle interests, pedestrian interests, local business interests and two at-large residents.

32.3 Purpose

To examine, evaluate and advise the Selectmen regarding board actions and measures that will improve overall resident mobility, expand the use of non-automobile based methods of local and regional transportation, and improve traffic circulation and availability of transportation services that implement the transportation-related recommendations of the Town's Vision Statement and Comprehensive Plan.

32.4 Responsibilities

- To identify priority locations for sidewalk and crosswalk additions and extension and to secure public support for proposed sidewalk projects.
- To determine feasibility of preferred traffic calming and safety techniques/locations including signage improvements consistent with sound engineering principles.
- To recommend intersection and roadway improvements as well as bicycle path/route upgrades and additions.
- To investigate expansion of transportation services including interconnections with neighboring Town services and MBTA services.
- To engage residents and businesses in the establishment of a Transportation Management Association or similar employer-based organization.
- To identify funding opportunities for implementation of recommended actions.

ARTICLE 33. RECREATION COMMISSION

33.1 Authority

The authority is provided by M.G.L. Ch. 45, §14 accepted by Annual Town Meeting of 1972, Article 10. The Town Charter adopted in 1974 established the current

appointing authority. The revolving fund under the control of the Commission was authorized by a special act, Ch. 42 of the Acts of 1958.

33.2 Membership

The Recreation Commission shall consist of five members appointed by the Selectmen for three-year terms.

33.3 Purpose

The Recreation Commission is responsible for the promotion and oversight of citizen recreation programs for the Town.

33.4 Responsibility

The Recreation Commission shall promote recreation, identify facility needs, conduct recreation programs, and manage land and buildings designated for recreation and playground uses.

ARTICLE 34. YOUTH AND FAMILY SERVICES COMMITTEE

34.1 Authority

The Youth and Family Services Committee is established by Article 19 of the 1998 Annual Town Meeting.

34.2 Membership

The Youth and Family Services Committee shall consist of nine members appointed by the Selectmen for three year terms: four members shall be at-large and the remaining five members shall be representatives from constituent Town departments such as Police, Schools, Public Health, Recreation, and Selectmen.

Additional advisory members from a broad base of constituencies such as parent associations, Hanscom Air Force Base, other community groups, youth, and veterans will be actively solicited. Such advisory members shall be non-voting members of the committee.

34.3 Purpose

The purpose of the Youth and Family Services Committee is to advise the Town about programs and services in support of its mission, which is to identify and address the social, emotional, and developmental needs of children, youths, adults, and families in Bedford through programs and services that support and nurture.

34.4 Responsibilities

The Youth and Family Services Committee shall provide advice related to its primary functions:

- Develop and implement counseling services for residents, coordinating with other Town departments and the schools, as well as other area resources.
- Initiate educational programs for the public at-large about issues and choices related to a healthy family life, including the hazards of alcohol and drug use.
- Provide information about linkage to area resources, as well as entitlement programs such as veterans' benefits, fuel assistance, and medical assistance.
- Promote youth empowerment through programs designed to educate in collaboration with Schools, Police, and other youth-serving organizations.

ARTICLE 35. BUILDING CODE

35.1 Purpose

The Town shall be governed by the Commonwealth of Massachusetts State Building which controls:

(a) The construction, reconstruction, alteration, repair, demolition, removal, inspection, issuance and revocation of permits or licenses, installation of equipment, classification and definition of any building or structure.

(b) The use or occupancy of all buildings and structures and their parts or classes of buildings and structures and their parts.

(c) The rehabilitation and maintenance of existing buildings.

(d) The standards or requirements for materials to be used in connection therewith, including, but not limited, to provisions for safety, ingress and egress, energy conservation and sanitary conditions.

(e) The establishment of reasonable fees for the issuance of licenses and permits in connection therewith, except as such matters are otherwise provided for in the Massachusetts General Laws or in the rules and regulations authorized for promulgation under the provisions of State Building Code.

35.2 Stretch Energy Code

35.2.1 Definitions

International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

36.2.2 Purpose

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

36.2.3 Applicability

This code applies to most residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

36.2.4 Authority

A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix.

780 CMR 115.AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

36.2.5 Stretch Code
The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any amendments or modifications, is herein incorporated by reference into the Town of Bedford General Bylaws, Article 37, Section 2.

The Stretch Code is enforceable by the inspector of buildings (Code Enforcement Director).

ARTICLE 36. LICENSES & PERMITS

36.1 Denial, revocation or suspension

As provided in M.G.L. Ch. 40, §57, an application for a license or permit, or renewal or transfer, may be denied, revoked or suspended by any licensing authority of the Town if the person, corporation or business enterprise seeking such application, renewal or transfer has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

The Collector of Taxes and any other Town Official responsible for collecting a municipal fee or charge, referred to here as Town Official, shall annually furnish to the licensing authorities of the Town a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a 12 month period except those parties who have filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

The licensing authority may deny, revoke or suspend any license or permit including renewals and transfers of any party whose name appears on a list furnished by the Town Official provided, however, that written notice is given to the party and the Town Official supplying a list, and the party is given a hearing to be held not earlier than 14 days after the notice. This list shall be *prima facie* evidence for denial, revocation or suspension of the license or permit to any party. The Town Official shall have the right to intervene in any hearing conducted with respect to this license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from the licensing denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the Town Official that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges payable to the town as of the date of issuance of the certificate.

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

The Selectmen may waive this denial, suspension or revocation if they find there is no direct or indirect business interest by the property owner, officers or stockholders, if any, or members of his or her immediate family, as defined in M.G.L. Ch. 268, §1, in the business or activity conducted in or on the property.
This section shall not apply to the following licenses and permits as provided in the Massachusetts General Laws:

(a) open burning, M.G.L. Ch. 48, §13
(b) bicycle permits; M.G.L. Ch. 85, §11A
(c) sales of articles for charitable purposes, M.G.L. Ch. 101, §33
(d) child work permits, M.G.L. Ch. 149, §69
(e) licenses for clubs and associations dispensing food or beverage, M.G.L. Ch. 140, §21
(f) dog licenses, M.G.L. Ch. 140, §137
(g) fishing, hunting, trapping license, M.G.L. Ch. 131, §12
(h) marriage licenses, M.G.L. Ch. 207, §28 and
(i) theatrical events and public exhibition permits, M.G.L. Ch. 140, §81.

36.2 Auctions; Junk and Antique Dealers

No person shall be a collector of or a dealer in junk, old metals, dealer in antiques, second-hand articles, nor a keeper of a shop for the purchase, sale, or barter of such items unless licensed by the Selectmen. No person engaged in these activities shall acquire such articles from persons under the age of 18.

Any person conducting an auction for the sale of new or used items must hold an auctioneers license and must obtain a permit from the Selectmen.

36.3 Video games and arcades

Under M.G.L. Ch. 140, §177A, no person shall keep or operate any mechanical or electronic amusement device in any building or place, except in a private dwelling, without obtaining a license from the Selectmen.

No more than three of these devices shall be permitted on any premise, except that any number of these devices may be permitted on any premises where these devices are for a purpose accessory to or incidental to recreational, business or private club use.

ARTICLE 37. NOISE REGULATIONS

A. No excavation, demolition or construction work is permitted within the Town of Bedford except between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday (excluding holidays as specified in Massachusetts General Laws), or between the hours of 8:00 a.m. and 6:00 p.m. on Saturday (excluding holidays as specified in Massachusetts General Laws), or

except in the case of work occasioned by a genuine and imminent emergency, and then only to the extent necessary to prevent loss or injury to persons or property and except in the case of public work performed by Town of Bedford departments when the public interest, as determined by the department head, is served.

B. No commercial hauler shall pick up or remove trash, rubbish, refuse or debris of any kind within the Town of Bedford between the hours of 8:00 p.m. and 6:00 a.m. unless the Director of the Bedford Board of Health shall have certified in writing that the public health requires such operations.

C. Any violation of this bylaw shall be punishable by a fine of up to Four Hundred Dollars. Alternatively, the provisions of this bylaw may be enforced by any Bedford police officer or by the Bedford Health Director by means of a noncriminal citation pursuant to M.G.L. C. 40 §21D, pursuant to the following penalty schedule:

First offense:	Warning
Second offense:	$100. penalty
Third offense:	$300. penalty
Fourth or subsequent offenses:	$400. penalty

For purposes of both judicial and of noncriminal enforcement, any day or portion thereof when a violation is suffered to exist shall constitute a separate offense.

ARTICLE 38. SEALER OF WEIGHING AND MEASURING DEVICES

38.1 Authority

The appointment and duties of the Sealer of Weights and Measures are established by M.G.L. Ch. 98 § 34.

38.2 Purpose

The Sealer of Weights and Measures shall be responsible for testing the accuracy of all weights and measures used in commercial operations.

38.3 Other

The fees for calibration and sealing of weighing and measuring devices are authorized by M.G.L. Ch. 98 § 56 and determined by the Selectmen.

ARTICLE 39. SIGN BYLAW

39.1 PURPOSE

The purpose of the regulations set forth in this bylaw shall be the following:

A. To promote the public health, safety and general welfare.

B. To encourage signs which are aesthetically pleasing, which are harmonious with both the buildings and sites where they are displayed and their larger environs, and which are in keeping with the general atmosphere of the town.

C. To protect public and private investments in buildings and open spaces.

39.2 DEFINITIONS

A. Sign. Any permanent lettering, word, symbol, drawing, picture, design, device, emblem, trademark, banner, pennant, insignia, article, or object that advertises, calls

attention, or indicates any premises, person or activity, whatever the nature of the material and manner of composition or construction, when the same is placed out of doors or affixed on or in any part of a building for the purpose of being visible from the exterior of the building from an adjacent public way.

1. Awning Sign. A sign painted on or attached to the cloth, canvas or metal cover of a movable or stationary frame of the fixed, hinged, roll or folding type of awning.
2. Banner. A sign painted on or attached to cloth, canvas or plastic. Banners shall be no wider than two (2) feet or longer than twenty-four (24) feet.
3. Construction Sign. A temporary unlighted sign denoting the project name, architect, engineer, owner and/or contractor performing construction, repair or renovation. The marketing company may also be listed.
4. Freestanding Sign. A self-supporting sign not attached to any building, wall or fence, but in a fixed location.
5. Illuminated Sign. Any sign which has characters, letters, figures, faces, backgrounds, designs or outlines illuminated by discharge sources not directly visible from normal viewing angles.
6. Movable Chassis Sign. A sign mounted on a trailer or chassis and wheels which is capable of being readily moved or relocated.
7. Movable Freestanding Sign. A sign which is capable of being moved or relocated.
8. Multiple Sign. A group of signs clustered together in a single structure or composite unit. Multiple signs are used to identify several occupants of the same building or development complex.
9. Political Sign. A sign used in conjunction with a Town, County, State or National election or political message. Restrictions noted in this Bylaw do not apply to political signs as long as the political sign does not create a public nuisance.
10. Projecting Sign. A sign which is affixed to a building or other structure and which extends more than six (6) inches beyond the surface to which it is affixed.
11. Real Estate Sign. A temporary sign advertising the premises or any part thereof for sale, lease or rent.
12. Reverse Channel Signs. Reverse Channel Signs (also known as halo-lit or Back-lit signs): Signs fabricated with dimensional characters with internal luminaries and with opaque face and side walls that are mounted away from the wall such that the light is directed out the back of the character, creating a halo of light behind the characters. The light may only shine on the building's finished wall material to which the characters are mounted. Light shining onto other parts of the sign or through the face/sides of the characters is prohibited.
13. Roof Sign. A sign which is located above or projects above the lowest point of the eaves or the top of the parapet wall of any building, or which is painted on or fastened to a roof.
14. Temporary Sign. Any sign, including its support structure, intended to be displayed for not more than thirty (30) days in any calendar year.

15. Wall Sign. Any sign which is incorporated into, or affixed parallel to the wall of a building and which extends not more than six (6) inches from the surface of that building.
16. Window Sign. A sign placed behind any transparent wall or window such that it is intended to be visible from outside the window.
17. Traffic Control Sign. Any sign used on private property to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, driveway, parking lot, pedestrian facility or shared-use path.
18. Non-Commercial Sign. A temporary sign used in conjunction with a not-for-profit event, charitable fundraiser, or as an expression of free speech.

B. Area of a Sign.

1. The area of a sign shall include all lettering, wording and accompanying symbols or designs. It shall also include the background on which they are displayed, whether open or enclosed, any frame around the sign and any "cutouts" or extensions. The area of a sign shall include the total area of the structure including any supporting structure or bracing, framing and all surfaces surrounding the physical symbols described in Article 39.2 Definitions, Paragraph A.
2. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window shall be considered to be that of the smallest rectangle comprised of horizontals and verticals which encompasses all letters and symbols.
3. Only one face of a two-sided identical sign shall be counted in computing the area of a sign.

C. Bedford Historic District. The district established in the Town of Bedford under the provisions of Chapter 118 of the Acts of 1964 of the General Laws of the Commonwealth of Massachusetts, as may be amended from time to time.

D. Board of Appeals. The Board established or operating in the Town of Bedford under the Zoning Enabling Act (Chapter 40A, Massachusetts General Laws, or any amendment or addition thereto) and the Bedford Zoning Bylaw. The Board of Appeals is the granting authority for all Special Permits sought under this bylaw (except for Permits requested under Article 39.6, Section G).

E. Business Zone, Commercial Zone, Industrial Zone, and Residential Zone. As defined in the Zoning Bylaw in the Town of Bedford.

F. Erected. As used in this bylaw, the word erected shall include the words attached, built, constructed, painted, reconstructed, altered, enlarged or moved.

G. Flag. A piece of cloth, often attached to a staff or flown from a flagpole, with definite colors, patterns, or symbolic devices used as a national, state, municipal or institutional symbol, or to indicate membership in an organization.

H. Pennant. A piece of cloth, often attached to a staff or flown from a flagpole, with definite colors, patterns or pictures but no lettering or numbers, used to celebrate the season or to adorn and enhance a building.

I. Projection. The distance by which a sign extends over public property or beyond the building line.

J. Sign Structure. The supports, uprights, braces and framework of a sign.

39.3 ADMINISTRATION AND MISCELLANEOUS

SECTION 1. Permits Required

A. No sign shall hereafter be erected, re-erected, constructed or altered, except as provided by this bylaw, and then only after a permit has been issued by the Building Inspector. The Building Inspector shall issue a building permit if the application conforms to the State Building code and this Bylaw.

B. Application for a sign permit shall be made in writing upon forms furnished by the Building Inspector. Such application shall contain the location by street and number of the proposed sign, as well as the name and address of the property owner, business owner (if applicable) and the sign contractor or erector. The Building Inspector may require the filing of plans or other pertinent information such as the proposed location of the sign on the lot, the design, and the method of construction, installation or support.

C. A sign permit fee shall be paid to the Town of Bedford and collected by the Building Inspector for each permit in accordance with a schedule established by the Bedford Selectmen.

D. All signs erected under this bylaw shall be erected in substantial conformance to the location and design described in the permit.

E. Unless a structural change is made, the repainting, cleaning, repair or maintenance of a sign which conforms to this bylaw shall not be considered an erection or alteration which requires a permit.

SECTION 2. Appeal

A person aggrieved by the refusal of the Building Inspector to issue a permit for the erection of a sign or by any order of the Building Inspector under this bylaw may appeal to the Board of Appeals. The provisions of the Zoning Bylaw as to the time for making such appeal and as to the notice of hearing thereon to be held of the Board of Appeals shall apply to appeals under this bylaw.

SECTION 3. Enforcement

A. The Building Inspector is hereby designated and authorized as the officer charged with the enforcement of this bylaw. The provisions of the Zoning Bylaw in reference to the enforcement of the Zoning Bylaw shall also apply to the enforcement of this bylaw.

B. Penalty for Violation. Whoever violates any provision of this bylaw shall be punished by a fine not exceeding one hundred dollars ($100.00) for each offense.

C. Noncriminal Disposition. In addition to the procedure for enforcement as described above, the provisions of the bylaw may also be enforced by noncriminal disposition, as provided in Massachusetts General Laws, Chapter 40, Section 21D. The penalty for such violation shall be $25.00 for the first offense, $50.00 for the second offense, and $100.00 for the third and each subsequent offense.

D. The Building Inspector shall require the proper construction and maintenance of all signs and shall inspect each sign within thirty (30) days after it is erected. The Building Inspector may order the removal of any sign that is not constructed or maintained in accordance with the provisions of this bylaw.

E. Nonconforming Signs. Signs and sign structures which were erected before the adoption of these requirements shall not be altered, rebuilt nor relocated without being brought into conformance with this bylaw.

F. In addition to otherwise complying with this bylaw, no sign shall be permitted within the Bedford Historic District except as the Historic District Commission may allow.

SECTION 4. Installation

A. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, window, door, or other opening, or so as to prevent free passage from one part of a roof to any other part thereof. No sign shall be attached in any form, shape or manner to a fire escape, or placed so as to interfere with an opening which is required for legal ventilation.

B. No exposed non-insulated parts of an electrical sign shall be closer than nine (9) feet to the ground immediately below.

C. 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.

D. No portion of a sign, banner or flag shall project beyond the property line. Supports for a sign, banner or flag shall be located only on private property.

E. Letters, figures, characters or representations in cut-out or irregular form maintained in conjunction with, attached to, or superimposed upon any sign shall be considered part of the sign and shall be safely and securely built or attached to the sign structure.

F. No sign shall be painted on the exterior surface of any wall, including windows and doors.

G. Signs shall be designed, constructed and erected in accordance with the Commonwealth of Massachusetts State Building Code and the amendments to said code which may be prorated from time to time.

H. For a freestanding sign, the Bedford Selectmen shall provide an assessment of the safety hazard created by the sign to pedestrian, bicycle, skate and motor vehicle traffic.

SECTION 5. Maintenance

A. All signs together with their supports, braces, guys, and anchors shall be kept in good repair and in a proper state of preservation. The display surfaces of all signs shall be kept neatly painted at all times.

B. Every freestanding sign and the immediate surrounding premises shall be maintained in good repair by the owner of such signs in a clean and hazard-free condition and kept free and clear of all noxious substances, rubbish and weeds.

C. Signs shall not be illuminated or continue to display a business' name after said business vacates the premises. It shall be the Building Owner's responsibility to turn off the illumination within ten (10) days and either remove the sign in its entirety, or, remove the business' name from the sign within 28 days after the business vacates the premises. All illumination associated with the removed signage shall be turned off, except for the following conditions:

1) Where the illumination is for a *freestanding sign* identifying more than one building tenant, the Owner shall remove the former business' name, only;
2) Where the illumination is part of a lighting system designed to concurrently illuminate additional signs on the premises, the Owner shall remove the former business' name, only.

The Building Owner may erect a temporary sign in place of the vacated business' sign, advertising "Space for Lease".

SECTION 6. Severability
The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

39.4 GENERAL REGULATIONS

SECTION 1. Permitted and Prohibited Signs

A. Permitted Signs.

1. Only signs which refer to a permitted use or an approved conditional use, as set forth in Article 39.4, Sections 1-5 of the Town of Bedford Sign Bylaw, are permitted and then only provided such signs conform to the provisions of this bylaw.
2. Signs indicating the current time and/or temperature are permitted, providing they meet all other provisions of this bylaw.
3. Temporary non-commercial freestanding sign, or temporary non-commercial wall-mounted sign, 6 square feet, where permitted in this Bylaw, providing they meet all other provisions noted in the Bylaw.
4. Traffic control signs on private property, as authorized by an approved site plan, shall be exempt from the provisions on this Bylaw.

B. Prohibited Signs.

1. All billboards are prohibited.
2. Except for Yard Sale or Garage Sale Signs permitted under Article 39.4, Section 2, D. below, signs on utility poles, trees, fences and off-premises signs are prohibited.
3. Flashing and/or revolving signs, signs containing movable parts, signs containing reflective elements, ribbons, streamers, spinners, searchlights, animated signs or signs which make noise are prohibited.
4. Luminescent, phosphorescent, "Day-Glo" or equivalent paints, dyes or other materials may not be used on any sign.
5. Strings of light may not be used as signs, or parts thereof. Traditional seasonal festive lights which are not part of a sign are not prohibited.
6. Except in the Limited Business District, North Road Overlay District, Depot Area Mixed-Use Overlay District, and in Industrial Mixed Use projects, projecting signs are prohibited.
7. Roof signs are prohibited.
8. Marquee signs are prohibited.
9. All movable chassis-mounted signs are prohibited.
10. Any sign not specifically permitted in this bylaw is prohibited.
11. All internally illuminated Freestanding Signs are prohibited, except where otherwise permitted by this bylaw.
12. All internally illuminated Wall Signs are prohibited, except where otherwise permitted by this Bylaw.
13. LED luminaires used as the primary means for displaying/conveying the sign message are prohibited.

SECTION 2. Residential Zone

A. Wall Signs**.** Any wall sign is prohibited except:

1. A Real Estate sign not exceeding six (6) square feet.
2. A sign six (6) square feet or less identifying a use allowed by Special Permit. The top of the sign shall not be located above the first floor windows.

More than one permanent wall sign shall require approval of a Special Permit by the Board of Appeals.

B. Freestanding Signs**.** All freestanding signs and movable freestanding signs are prohibited except:

1. A Real Estate sign not exceeding six (6) square feet. Real estate sign height shall not exceed five (5) feet above finished grade.
2. One sign not exceeding six (6) square feet advertising a use allowed by Special Permit, if there is not such a wall sign on the premises. Sign height shall not exceed five (5) feet above finished grade.
3. Not-for-profit organizations formally recognized by the Secretary of State of the Commonwealth of Massachusetts may display one movable freestanding sign not to exceed six (6) square feet. Sign height shall not exceed five (5) feet above finished grade.
4. Non-commercial temporary sign not exceeding six (6) square feet.

C. Construction Signs. One (1) sign not exceeding six (6) square feet and no closer than ten (10) feet from any property line may be permitted for a construction project on the premises. Such sign(s) shall be removed no later than fourteen (14) days after the issuance of an occupancy permit, or upon completion of work by the contractor whose sign is being displayed. In the event of multiple units or subdivision construction, one (1) sign not exceeding thirty-two (32) square feet and no closer than ten (10) feet from any property line may be permitted for the premises and the removal must follow within fourteen (14) days of the issuance after the last occupancy permit or completion of work by contractor whose sign is being displayed. Construction sign height shall be a maximum of five (5) feet above finished grade.

D. Yard Sale or Garage Sale Signs. Four (4) signs not to exceed three (3) square feet each may be displayed for not more than two (2) consecutive days, to be removed within twelve (12) hours after the sale.

E. Pennants. Two pennants may be displayed for each residential building. Each such pennant shall not be larger than twelve (12) square feet in area or four (4) feet in length.

F. Flags. One each flag of the United States of America, the Commonwealth of Massachusetts, and the Town of Bedford may be displayed on each residential lot without Special Permit. Each such flag shall not be larger than twenty-four (24) square feet in area or six (6) feet in length. Additional flags may be flown only upon grant of a Special Permit.

G. Traffic Control Signs. Subject to the approval of the Building Inspector, traffic control signs may be erected; but in no case shall these signs be larger than twelve (12) square feet. The height of such signs shall be limited to eight (8) feet.

SECTION 3. Business Zones

A. Wall Signs. No sign shall be affixed to a building except as hereinafter provided:

1. One (1) sign not to exceed an area equivalent to ten percent (10%) of the first floor front wall area of a business or fifty (50) square feet, whichever is smaller, may be attached to any wall of a building. An increase in area up to twenty percent (20%) of the first floor front wall area and more than fifty (50) square feet may be allowed by Special Permit from the Board of Appeals. Division of the permissible wall sign area into two or more wall signs may be allowed by Special Permit if, in the opinion of the Board of Appeals, such division significantly enhances the appearance of the resulting signage in concert with the architecture of the specific building. No attached sign shall extend above the wall to which it is attached. No sign shall be attached to a roof - real or simulated.
2. Individual letter signs made up of self-contained letters that are mounted on the face of a building are permitted as wall signs. The letters shall not exceed four (4) feet in height and shall not extend above the top of any parapet nor above the roof edge of any wall nor be permitted on a marquee. Individual letter signs may only be mounted on the face of a building or parapet.
3. For businesses which front on two streets, allowable sign area may be divided between two (2) signs, each sign to be attached to a different wall of the building. The total allowable sign area shall not exceed an area equivalent to fifteen percent (15%) of the first floor front wall area of said business, or sixty (60) square feet, whichever is smaller. Neither sign shall exceed the size which would be permitted under Section 3.A.1. above. An increase in area of up to twenty-five percent (25%) of the first floor front area and more than sixty (60) square feet may be allowed by Special Permit from the Board of Appeals.
4. In the case of multi-story buildings with multiple occupants, each upper floor occupant is allowed one (1) sign not to exceed one (1) square foot in size affixed to a directory at the entrance to the upper floors.
5. When a business has more than one entrance intended for use by customers, the secondary public entrance may be identified by a wall sign not to exceed eight (8) square feet.
6. Signs may be used to identify the location of the door(s) through which deliveries of goods may be received. Such sign(s) may contain no more than the name of the business and the hours of delivery, and shall not exceed three (3) square feet in area. One such sign is permitted per delivery entrance door.
7. Wall Sign Restrictions:
    a. No signs shall be mounted above the first floor of a building.
    b. Signs shall not obscure important architectural details or features, including, but not limited to windows, transom panels, sills, moldings and cornices.
    c. Signs on adjacent storefronts within the same building shall be coordinated in height and proportion.
    d. Wall signs identifying commercial establishments shall generally be placed within an information band immediately above the storefront. The information band should be confined to the vertical distance

separating windows on the ground and the second floors, or should be no more than two (2) feet in height, whichever is less.

B. Freestanding Signs. One freestanding sign is permitted per lot. A lot is defined by a single Town of Bedford real property tax bill. All Freestanding Signs must conform to the following criteria:

- The sign structure must not extend more than six (6) feet above the mean finished grade and must be not more than five (5) feet wide and not more than 30 square feet in area. If the sign serves more than two businesses on the lot, the structure may extend to no more than (7) seven feet above the mean finished grade and may not be more than (8) eight feet wide and not more than 56 square feet.
- The structure includes all supports, framing and surface not just the lettering and symbols.
- The sign structure and the display area is to be comprised of only one flat face, or two parallel flat faces and limited to a thickness of no more than 1 and 1/2 feet from face to face.
- The furthest forward element of any freestanding sign must be set back at least five (5) feet from the front property line.

C. Awning Signs. Awnings, when extended, must be at least seven (7) feet above the traveled surface. Letters, numbers and/or logos must be paint-on or appliqué and may not be larger than one (1) foot high. The sign length may not be more than three-quarters (3/4) of the length of the edge of the awning on which characters are displayed, and may advertise only the business. Awning signs may be divided among more than one awning by Special Permit to divide the permissible wall sign. The area of the awning sign(s) shall be included in the overall wall sign area quantification.

D. Window Signs. Without obtaining a permit from the Building Inspector, unlighted window signs may be placed in a window of a building not to exceed more than twenty-five percent (25%) of the area of the window in which the sign is displayed.

E. Directional Signs. No more than two (2) directional signs per driveway shall be permitted, said signs to contain no advertising. These signs shall not exceed an area of five (5) square feet each.

F. Construction Signs. One (1) sign not exceeding thirty-two (32) square feet and no closer than ten (10) feet from any property line may be permitted for the premises. Such sign(s) shall be removed no later than fourteen (14) days after the issuance of an occupancy permit, or upon completion of work by the contractor whose sign is being displayed. In the event of multiple units, the removal must follow within fourteen (14) days of the issuance after the last occupancy permit or completion of work by contractor whose sign is being displayed. Construction sign height shall be a maximum of five (5) feet above finished grade.

G. Real Estate Signs. One (1) sign not exceeding thirty-two (32) square feet and no closer than five (5) feet from any property line may be permitted. Real estate sign height shall be a maximum of six (6) feet above finished grade.

H. Flags. Each business may display one each flag of the United States of America, the Commonwealth of Massachusetts, and the Town of Bedford without Special Permit. Each such flag shall not be larger than twenty-four (24) square feet in area or six (6) feet in length. Additional flags may be flown upon grant of a Special Permit. Lettering on any flag for which a Special Permit may be granted shall be related to the

nature of the institution, fraternal, organization, corporation or business which is displaying the flag.

I. Grand Opening Banners. Flags, banners or bunting not exceeding twenty percent (20%) of the first floor front wall area of a business may be displayed by a business which has or is about to open for the first time in the Town. The banner may be displayed for a period not to exceed thirty (30) days.

J. Gasoline Stations and Garages.

1. Gasoline service stations and garages may, if they elect to do so, divide the one permitted exterior sign affixed to the front of the building into separate signs affixed to and parallel to such wall and indicating the separate operations of departments of the business provided, however, that the total area of the separate signs shall not exceed the maximum area permitted under this bylaw.
2. One sign shall be permitted with changeable characters or numbers solely to display the current price of fuel. This sign shall not exceed five (5) square feet. It may be located on the building, as a freestanding sign, or on the pump island itself. Any illumination must be external, white in color and satisfy Article 39.5. This sign's area (square footage) shall be in addition to what they are otherwise allowed.
3. The standard type of gasoline pump with markings that identify the name or type of gasoline and with the changeable placards to display the current price of fuel that are one (1) square foot or less shall not be considered in violation of this bylaw.

K. Hotels and Motels. Hotels and motels with appropriate current valid permits and licenses may display a sign not exceeding two (2) square feet by which the availability or non-availability of a vacancy may be displayed. This sign's area (square footage) shall be in addition to what they are otherwise allowed.

L. Barber Poles. Upon approval of a Special Permit by the Board of Appeals a traditional striped barber pole may be installed directly in front of a licensed barber shop. Said barber pole may be free standing or mounted on a wall, but in no event shall it exceed nine (9) inches in diameter at its widest point or project more than twelve (12) inches beyond the face of the building. Barber poles may revolve, and be internally illuminated.

M. Projecting Signs - In the Limited Business District, North Road Overlay District, Depot Area Mixed-Use Overlay District, and in Industrial Mixed Use projects only, one projecting sign is permitted per business. The sign shall not extend beyond a vertical plane that is two (2) feet inside the curb line nor more than forty eight (48) inches from a building wall, exclusive of any supporting structure from the building. A projecting sign shall not hang lower than eight (8) feet over a sidewalk or other grade as measured to the lowest element of the projecting sign. Projecting signs shall not rise more than twenty (20) feet from the ground level to the top of the sign. Allowable area of a projecting sign shall not be more than ten (10) square feet in area nor extend above the eave of a building. When multiple business signs are projected from the wall of a multi-tenanted building, all signs shall be installed at a similar height, with the top, bottom or center of sign aligned for each tenanted floor.

In any instance where a projecting sign is proposed, the area of the projecting sign shall be deducted from the maximum allowable area of any proposed wall sign(s). Projecting signs shall not be illuminated.

N. Traffic Control Signs. Subject to the approval of the Building Inspector, traffic control signs may be erected; but in no case shall these signs be larger than twelve (12) square feet. The height of such signs shall be limited to eight (8) feet.

O. Non-commercial temporary signs not exceeding six (6) square feet.

P. Reverse Channel Signs: Must comply with the area requirements of *Wall Signs*. The characters shall not exceed four (4) feet in height and shall not extend above the top of any parapet nor above the roof edge of any wall nor be permitted on a marquee. Reverse channel signs may only be mounted on the face of a building or parapet.

Q. Movable Freestanding Signs. Movable freestanding signs require a Special Permit from the Board of Appeals and must conform to the following criteria:

1. One sign is permitted per business.
   The sign may only be displayed at the property where the business is located when the business opens for the day and must be removed no later than 8:00 p.m. that same evening.
3. The sign shall not be erected on public property (i.e., the sidewalk or the grass strip between the sidewalk and the street).
4. The sign shall be designed and/or temporarily placed/braced to resist being overturned or blown away in high winds.
5. The sign shall not obstruct or impede pedestrian, bicycle or vehicular traffic.
6. The sign shall not visibly obstruct one's view of oncoming traffic.
7. Size: The sign shall be a maximum of nine (9) square feet in area. The sign's dimensions shall measure a maximum of 40-inches high by a maximum of 30-inches wide. The top of the sign, when erected, shall not be more than 48-inches above finished grade.
8. Special Permit applications for Movable Freestanding Signs shall include a dimensioned drawing or rendering of the proposed sign, and a site plan indicating the potential locations on the site where the sign will be displayed.
9. All movable freestanding sign Special Permits shall include the following two (2) Conditions of Approval: a) "In the event that the Sign Bylaw requirements for movable freestanding signs become more restrictive in the future, this movable freestanding sign shall be brought into compliance with the most recent edition of the Bylaw immediately upon its enactment;" and b) "The Special Permit shall run with the particular business, not the property where the business is located."
10. Illuminating movable freestanding signs is prohibited.
11. Wire frame signs that are staked into the ground are prohibited.

SECTION 4. Commercial Zones

All signs in Commercial Zones shall conform to the regulations set forth above for Business Zones except for Awning Signs (which are not permitted) and Flags. Flags in a Commercial Zone shall not exceed forty (40) square feet in area or eight (8) feet in length.

SECTION 5. Industrial Zones

A. Wall signs. No sign shall be affixed to a building except as hereinafter provided:

1. One (1) sign not to exceed an area equivalent to ten percent (10%) of the first floor front wall area of a business or fifty (50) square feet, whichever is less, may be

attached to any wall of a building. An increase in area up to twenty percent (20%) of the first floor front wall area and more than fifty (50) square feet may be allowed by Special permit from the Board of Appeals. Division of the permissible wall sign area into two or more wall signs may be allowed by Special Permit if, in the opinion of the Board of Appeals, such division significantly enhances the appearance of the resulting signage in concert with the architecture of the specific building. No attached sign shall extend above the wall to which it is attached. No sign shall be attached to a roof – real or simulated.

2. Individual letter signs made up of self-contained letters that are mounted on the face of a building are permitted as wall signs. The letters shall not exceed four (4) feet in height and shall not extend above the top of any parapet nor above the roof edge of any wall nor be permitted on a marquee. Individual letter signs may only be mounted on the face of a building or parapet.
3. For businesses which front on two streets, allowable sign area may be divided between two (2) signs, each sign to be attached to a different wall of the building. The total allowable sign area shall not exceed an area equivalent to twenty percent (20%) of the first floor front wall area of said business, or sixty (60) square feet, whichever is smaller. An increase in area of up to twenty-five percent (25%) of the first floor area and more than sixty (60) square feet may be allowed by Special Permit from the Board of Appeals. Neither sign shall exceed the size which would be permitted under Section 5.A.1 above.
4. In the case of multi-story buildings with multiple occupants, each upper floor occupant is allowed one (1) sign not to exceed one (1) square foot in size affixed to a directory at the entrance to the upper floors.
5. When a business has more than one entrance intended for use by customers, the secondary public entrance may be identified by a wall sign not to exceed eight (8) square feet.
6. Signs may be used to identify the location of the door(s) through which deliveries of goods may be received. Such sign(s) may contain no more than the name of the business and the hours of delivery, and shall not exceed three (3) square feet in area. One such sign is permitted per delivery entrance door.
7. Wall Sign Restrictions:
    a. With a Special Permit from the Board of Appeals, a wall sign otherwise in conformance with the requirements of the Bylaw and in harmony with the specific building and its surroundings may be located above the first floor of a building.
    b. Signs shall not obscure important architectural details or features, including, but not limited to windows, transom panels, sills, moldings and cornices.
    c. Signs on adjacent storefronts within the same building shall be coordinated in height and proportion.
    d. Wall signs identifying commercial establishments shall generally be placed within an information band immediately above the storefront. The information band should be confined to the vertical distance separating windows on the ground and the second floors, or should be no more than two (2) feet in height, whichever is less.

B. Freestanding Signs. One freestanding sign is permitted per lot. In the case of a lot with multiple entrances where the single permitted freestanding sign or other signage on the

property does not effectively identify the business on the premises, additional freestanding signs may be permitted by Special Permit issued by the Board of Appeals. A lot is defined by a single Town of Bedford real property tax bill. All Freestanding Signs must conform to the following criteria:

1. The sign structure must not extend more than fifteen (15) feet above the mean finished grade.
2. The structure includes all supports, framing and surface not just the lettering and symbols.
3. The sign structure and the display area is to be comprised of only one flat face or two parallel flat faces and limited to a thickness of no more than 1 and ½ feet from face to face.
4. The area of the sign must not be more than 100 square feet.
5. The furthest forward element of any freestanding sign must be set back at least ten (10) feet from the front property line.
6. A freestanding sign may be permitted for the purposes of a business directory provided that no more than six (6) square feet be permitted for each business. Supplemental freestanding signs may be permitted for the purposes of identifying entrances within the lot served by the directory. These signs shall be restricted to identifying the owner and the use of the driveway and shall not exceed six (6) square feet in area of five (5) feet in height.

C. Awning Signs. Awnings, when extended, must be at least seven (7) feet above the traveled surface. Letters, numbers and/or logos must be paint-on or applique and may not be larger than one (1) foot high. The sign length may not be more than three-quarters (3/4) of the length of the edge of the awning on which characters are displayed, and may advertise only the business. Awning signs may be divided among more than one awning by Special Permit to divide permissible wall sign. The area of the awning sign(s) shall be included in the overall wall sign area quantification.

D. Window Signs. Without obtaining a permit from the Building Inspector, unlighted window signs may be placed in a window of a building not to exceed more than twenty-five percent (25%) of the window area of the window in which the sign is displayed.

E. Directional Signs. No more than two (2) directional signs per driveway shall be permitted, said signs to contain no advertising. These signs shall not exceed an area of six (6) square feet each.

F. Construction Sign. One (1) sign not exceeding forty-eight (48) square feet and no closer than ten (10) feet from any property line may be permitted for the premises. Such sign(s) shall be removed no later than fourteen (14) days after the issuance of an occupancy permit, or upon completion of work by the contractor whose sign is being displayed. In the event of multiple units, the removal must follow within fourteen (14) days of the issuance after the last occupancy permit or completion of work by contractor whose sign is being displayed. Construction sign height shall be a maximum of six (6) feet above finished grade.

G. Real Estate Signs. One (1) sign not exceeding forty-eight (48) square feet and no closer than ten (10) feet from any property line may be permitted. Real estate sign height shall be a maximum of six (6) feet above finished grade.

H. Flags. Each business may display one flag each of the United States of America, the Commonwealth of Massachusetts, and the Town of Bedford without Special Permit. Each such flag shall not be larger than forty (40) square feet in area or eight (8) feet in

length. Additional flags may be flown upon grant of a special permit. Lettering on any flag for which a special Permit may be granted shall be related to the nature of the institution, fraternal, organization, corporation or business which is displaying the flag.

I. Grand Opening Banners. Flags, banners or bunting not exceeding twenty percent (20%) of the first floor front wall area of a business may be displayed by a business which has or is about to open for the first time in the town. The banner may be displayed for a period not to exceed thirty (30) days.

J. Hotels and Motels. Hotels and motels with appropriate current valid permits and licenses may display a sign not exceeding two (2) square feet by which the availability or non-availability of a vacancy may be displayed.

K. Projecting Signs. In an industrial mixed use project, one (1) projecting sign is permitted per business. The sign shall not extend beyond a vertical plane that is two (2) feet inside the curb line nor more than forty-eight (48) inches from a building wall, exclusive of any supporting structure from the building. A projecting sign shall not hang lower than eight (8) feet over a sidewalk or other grade as measured to the lowest element of the projecting sign. Projecting signs shall not rise more than twenty (2) feet from the ground level to the top of the sign. Allowable area of a projecting sign shall not be more than ten (10) square feet in area nor extended above the eave of a building. When multiple business signs are projected from the wall of a multi-tenanted building, all signs shall be installed at a similar height, with the top, bottom or center of sign aligned for each tenanted floor.

In any instance where a projecting sign is proposed, the area of the projecting sign shall be deducted from the maximum allowable area of any proposed wall sign(s). Projecting signs shall not be illuminated.

L. Traffic Control Signs. Subject to the approval of the Building Inspector, traffic control signs may be erected; but in no case shall these signs be larger than twelve (12) square feet. The height of such signs shall be limited to eight (8) feet.

M. Temporary signs are prohibited except for Real Estate signs and Construction signs.

N. Non-commercial temporary signs not exceeding six (6) square feet.

O. Reverse Channel Signs: Must comply with the area requirements of *Wall Signs*. The characters shall not exceed four (4) feet in height and shall not extend above the top of any parapet nor above the roof edge of any wall nor be permitted on a marquee. Reverse channel signs may only be mounted on the face of a building or parapet.

P. Movable Freestanding Signs. Movable freestanding signs require a Special Permit from the Board of Appeals and must conform to the following criteria:

1. One sign is permitted per business.
2. The sign may only be displayed at the property where the business is located when the business opens for the day and must be removed no later than 8:00 p.m. that same evening.
3. The sign shall not be erected on public property (i.e., the sidewalk or the grass strip between the sidewalk and the street).
4. The sign shall be designed and/or temporarily placed/braced to resist being overturned or blown away in high winds.
5. The sign shall not obstruct or impede pedestrian, bicycle or vehicular traffic.
6. The sign shall not visibly obstruct one's view of oncoming traffic.

7. Size: The sign shall be a maximum of nine (9) square feet in area. The sign's dimensions shall measure a maximum of 40-inches high by a maximum of 30-inches wide. The top of the sign, when erected, shall not be more than 48-inches above finished grade.
8. Special Permit applications for Movable Freestanding Signs shall include a dimensioned drawing or rendering of the proposed sign, and a site plan indicating the potential locations on the site where the sign will be displayed.
9. All movable freestanding sign Special Permits shall include the following two (2) Conditions of Approval: a) "In the event that the Sign Bylaw requirements for movable freestanding signs become more restrictive in the future, this movable freestanding sign shall be brought into compliance with the most recent edition of the Bylaw immediately upon its enactment;" and b) "The Special Permit shall run with the particular business, not the property where the business is located."
10. Illuminating movable freestanding signs is prohibited.
11. Wire frame signs that are staked into the ground are prohibited.

39.5 ILLUMINATION

SECTION 1 - Illumination

A. All illuminated signs require a Special Permit. The Board of Appeals may authorize the illumination of a sign if said sign conforms to such limitations of size, brightness, color and suitability as the Board of Appeals deems proper, and if the sign does not violate this or any other section of this bylaw. This requirement applies not only to external signs but also to interior signs that are so designed or placed as to shine through windows or doors of any building.

B. The illumination of any sign shall not exceed seventy-five (75) foot lamberts.

C. Internally-illuminated signs are permitted in Industrial Zones only. The illumination of any internally-illuminated wall or freestanding sign shall not exceed fifty (50) foot lamberts.

Where internally-illuminated signs are proposed, calculations signed and sealed by an engineer licensed in the Commonwealth of Massachusetts shall accompany the application; said calculations shall document compliance with the fity (50) foot-lambert requirement and fifteen thousand (15,000) initial rated lamp lumens requirement.

All Special permits for internally-illuminated signs shall include the following Condition of Approval: "In the event that the Sign bylaw requirements for internally-illuminated signs become more restrictive in the future, this internally-illuminated sign shall be brought into compliance with the most recent edition of the bylaw within a period of 1-year from its enactment.

D. The illumination of any proposed sign shall be completely described and documented with the application submitted under Article III, Section 1.B. A written certification of the foot lamberts of each illuminated sign shall be obtained from a licensed electrician, the sign manufacturer or a qualified lighting or engineering consultant and will accompany the sign permit application. The sign shall be maintained in conformance with and within the limits of this description and certification.

E. Exterior sign illumination shall be shielded and targeted solely at the sign.
F. It shall be a violation of this bylaw to operate an individual letter or segmented sign in any manner other than with all letters or segments lighted or with all letters or segments not lighted.
G. Any illumination on Free Standing Signs must be white in color.
H. Any illumination on Wall Signs must be white in color.

SECTION 2 - Overspill
Illuminated signs, parking lot lighting, building floodlighting, and other exterior lighting shall be designed and placed such that their collective result does not create so much light overspill onto adjacent premises that it creates excessive glare from normal viewing angles.

In addition, the following requirements must be met:

A. Internally illuminated signs on the premises collectively total not more than fifteen thousand (15,000) initial rated lamp lumens.
B. Building floodlighting totals not more than fifty thousand (50,000) initial rated lamp lumens.
C. Exterior lighting fixtures, other than roadway and parking area lights, are mounted not more than twenty (20) feet above grade.
D. Roadway or parking luminaries should be of the "cut-off" type and provide glare control from normal viewing angles. All other exterior light fixtures or lamp holders should be designed to provide glare control or be shielded with louvers, hoods or visors.

The Board of Appeals may grant a Special Permit for lighting which does not comply with these specifications if it determines that the performance standards of the first paragraph will still be met, and if the applicant provides certification from a qualified lighting or engineering consultant that the brightness of any sign or building element will not exceed twenty (20) foot lamberts in residential districts or fifty (50) foot lamberts in other districts.

SECTION 3. Hours
No sign shall be illuminated between the hours of 11:00 P.M. and 6:00 A.M.
A Special Permit from the Board of Appeals may be granted to allow illumination at establishments that are open to the public from 11:00 PM to 6:00 AM, and the requirements of Article 39.5, Illumination are met.

SECTION 4. Movement and Stability
With the exception of seasonal festive lights, flashing, moving or revolving lights are prohibited. All exterior and sign illumination and all interior illumination clearly visible from the exterior shall be steady and stationary, except where otherwise permitted by this Bylaw.

39.6 SPECIAL CONSIDERATIONS

The following Special Considerations apply to all zones:
A. Cemeteries, Gravestones, Monuments, and Markers are exempt from this bylaw.

B. Historic and Memorial Plaques of six (6) square feet or less exclusive of supporting structure are permitted.

C. Schools, Municipal Buildings and Houses of Worship. The provisions of this bylaw applicable within the Business Zones shall apply to schools, municipal buildings and houses of worship wherever they are located within the Town. One freestanding sign with an area of twenty (20) square feet, maximum, may be erected on a Town owned lot with or without a building situated thereon.

D. Temporary, Non-Commercial Signs. Signs totaling no greater than six (6) square feet each in area may be displayed on any lot no longer than 30 days in a calendar year. No permit from the Building Inspector is required. The size(s) and time(s) of display of temporary, non-commercial signs which are being carried or held aloft by individuals are not subject to the restrictions of this bylaw. Notwithstanding the foregoing, these requirements shall not apply to political, religious, or personal message (free speech) signs.

E. Residential Identification. In a Residential Zone, placards or letters identifying the occupant of a residence are not subject to the provisions of this bylaw.

F. Banners. In all zones, one (1) banner may display community activities by the municipality or by a not-for-profit organization recognized by the Secretary of State of the Commonwealth of Massachusetts. Said signs may not be erected without first making application and obtaining a permit from the Bedford Selectmen.

G. Public Access Signs. Signs which are required by the general public to locate Federal, State or Municipal facilities, houses of worship, or officially recognized, commonly sought out not-for-profit organizations within the Town of Bedford may be erected on public property or on the public right-of-way upon specific authorization by the Bedford Selectmen. The sponsoring organization shall be responsible for the erection and maintenance of such signs and for the prompt removal of them upon order of the Bedford Selectmen.

H. Open-for-Business Flags. Flags indicating that the business is open may be displayed in the Business, Commercial and Industrial Zones, and must conform to the following requirements:

1. The Open-for-Business flag may only be displayed when the business is open to the public and conducting business.
2. One (1) Open-for-Business flag per business is permitted, to be located at or near the main entrance to said business.
3. The Open-for-Business flag's dimensions shall not exceed 5'-wide x 3'-high.
4. The Open-for-Business flag's colors shall adhere to the prohibitions noted under Section 39.4, Paragraph 1.B (4), which prohibits luminescent, phosphorescent "Day-Glo" or equivalent paints, dyes, or other materials from use on signs.
5. The Open-for-Business flag shall be removed promptly when the business is closed.
6. Open-for-Business flags are prohibited in Residential Zones.

I. The Bedford Selectmen may authorize temporary exemptions to this bylaw for special events.

ARTICLE 40. SUBSIDIZED AND/OR AFFORDABLE HOUSING

40.1 Required Reservation of Land

In approving all new residential subdivisions, the Planning Board shall require as a condition of approval that a minimum amount of land be reserved by the developer for purchase by the Town for housing purposes. The following standards shall apply.

40.1.A Minimum Area of Land to be Reserved

At least ten (10) percent (but in no event less than one-half (.5) acre) of the buildable area of the tract of land being subdivided shall be reserved for housing purposes. "Buildable area" shall mean that portion of the tract which is outside the Flood Plain/Wetland District.

40.1.B Location of the Land to be Reserved

The planning Board shall designate on the plan the specific portion of the tract to be reserved. Such land may be in one or more locations within the Subdivision as the Board may determine.

40.1.C Option in Lieu of Reservation

(1) As an alternative to reservation of land for Town purchase, the subdivider may elect to enter into partnership agreement with the Town, through the Selectmen, to build subsidized and/or affordable housing units on the area of the tract which would have been reserved under Section 1/A. Provided that the Selectmen agree to enter into such a partnership, Section 4 shall govern the maximum number of units which may be built.

(2) As an alternative to reservation of land for Town purchase, the subdivider may elect to provide an alternate cash contribution to the Town or to a non-profit housing assistance corporation or trust designated by the Selectmen to receive such funds in lieu of payment to the Town; such funds to be used to provide subsidized and/or affordable housing. The alternative cash contribution shall be calculated by multiplying five thousand dollars times each buildable acre or fraction thereof of the entire proposed subdivision.

(3) The definition of "subsidized" and "affordable" housing shall be as follows:

a. "Subsidized" shall refer to dwelling units which are made available to the Bedford Housing Authority either for purchase within the price of limits allowed by the Department of Housing and Community Development, or for lease under federal or state rental assistance programs, through a long-term contractual agreement.

b. "Affordable" shall refer to dwelling units which are available for rent or purchase to households earning up to one hundred twenty (120) percent of the median income for the Boston metropolitan area as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.

40.1.D Exemptions

(1) The requirement for reservation of land shall not apply to a subdivision tract which contains less than five times the area required for single-family house lot in the underlying zoning district, and which has not been created from a larger tract of land after the effective date of this bylaw.

(2) Where the reservation of at least ten (10) percent of the buildable area of the subdivision tract results in reducing the number of lots which could otherwise be obtained by more than twenty (20) percent, the Planning Board may reserve a lesser amount of land, but in no event less than one-half (.5) acre. If reservation of one-half (.5) acre of the buildable land results in reducing the number of lots which could otherwise be obtained by more than twenty (20) percent, the requirement for reservation of land shall not apply.

(3) The requirement for reservation of land shall not apply to Planned Residential Developments.

40.2 Period of Reservation

The Land shall be reserved for a period of not more than eighteen months from the date of subdivision approval.

If the Town fails to purchase the reserved land within the reservation period, the land will be released automatically from reserve status and the subdivider shall be allowed to develop the land and sell the lots.

40.3 Just Compensation

The Town shall pay just compensation for that portion of the reserved land which the Town elects to purchase. Compensation shall be made based upon the following formula:

(Fair market value of the total undeveloped tract at the time of the subdivision approval x Percentage of land reserved)

(Total projected development costs [exclusive of buildings] x Percentage of land reserved)

40.4 Maximum Number of Units on Reserved Land

No more than one (1) housing unit shall be built for every 10,000 SF of land purchased by the Town under this Bylaw.

ARTICLE 41. BEGGARS, SOLICITORS & PEDLARS

41.1 Definitions

As used in this bylaw, the following terms shall have the meaning indicated:

(a) "Solicitor" shall include the following: any person who, for himself or another person, firm, corporation, group or organization travels by foot, automobile or any type of conveyance from place to place, house to house, or from street to street, taking or attempting to take orders for goods, wares, merchandise, services, or securing or attempting to secure donations.

Solicitor shall also include any person requesting directly or indirectly any money, credit, property, financial assistance or any thing of value or offering directly or indirectly any money, credit, property, financial assistance or any other thing of value in exchange for goods or service. In addition, a solicitor shall also mean and include a person who secures money, credit, property, financial assistance or any other thing of value on the plea or representation that it will be exchanged for any goods or services.

(b) "Person" shall mean any individual, firm, co-partnership, corporation, company, or joint stock association, and includes any trustee, receiver, assignee, agent, or other representative thereof.

(c) "Chief of Police" means the Chief of Police of the Town of Bedford.

(d) "Selectmen" means the Board of Selectmen of the Town of Bedford.

41.2 Registration Required; Registration Information

(a) It shall be unlawful for any person to engage in business as a solicitor without first having registered with the Chief of Police.

(b) The registrant shall file a registration statement with the Chief of Police setting forth the following information:

1. Name, age, date of birth, social security number and signature of the solicitor.
2. The residential and business addresses and telephone numbers of the solicitor.
3. The name, address and telephone number of the solicitor's employer.
4. The registration number of any vehicle to be used in conjunction with soliciting activities.
5. The products or purposes for which solicitation is to be undertaken, and the length of time for which solicitation is planned.

Within three (3) days of receipt of this information, the Chief of Police shall issue a registration certificate.

41.3 Exceptions

(a) This Bylaw should not be construed to prevent route salesmen or other persons having established customers to whom they make periodic deliveries from calling on such customers.

(b) The provisions of this Bylaw shall not apply to local youths or students who solicit for the purpose of performing household chores or supporting youth activities.

41.4 Issuance of Registration Certificate; Carrying and Display of Certificate

Each person shall, at all times while soliciting in the Town, carry upon his person the registration certificate, and the same shall be exhibited by such registrant whenever he is required to do so by any police officer or by any person solicited.

41.5 Notice Regarding Solicitation

Any property owner or occupant of any premise within the Town of Bedford may determine that solicitors are not invited on said premise. Provided that said property owner or occupant has made such a determination and posts a notice containing the words "No Solicitation", it shall be a violation of this bylaw for any solicitor to go upon the premise and attempt to solicit said property owner. Said notice must contain letters that are at least one inch in height and must be located and visible near the entrances to any building on said premise.

41.6 Suspension or Revocation of Registration Certificate

Any such registration certificate may be suspended or revoked by the issuing authority because of any violation by the registrant of this Bylaw or any other Bylaw of the Town or any state or federal law.

41.7 Suspension or Revocation of Registration Certificate Notification

The Chief of Police shall notify the Selectmen of the suspension or revocation of any registration certificate issued under this Bylaw.

41.8 Misrepresentation Prohibited

No solicitor may use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a home, office or other establishment.

41.9 Penalties

(a) Any person who commits an unlawful act described in this Bylaw or violates any of the provisions of this Bylaw or carries on the business described in Sections 1 and 2 after his registration is suspended or revoked shall be punished by a fine of $100.00.

(b) In addition to the procedure for enforcement as set forth in Section 9a above, the provisions of this Bylaw may also be enforced by noncriminal disposition, as provided in Massachusetts General Laws, Chapter 40, Section 21D. The penalty for such violation shall be $25.00 for the first offense, $50.00 for the second offense, and $100.00 for the third and each subsequent offense.

41.10 Severability

Each provision of this Bylaw shall be deemed independent of all other provisions hereof, and it is further the intention of the Town of Bedford that, if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

41.11 Street Vendors

Street vendors shall not obstruct sidewalks or streets in the Town. Restrictions may be imposed by the Chief of Police regarding location of such vendors.

ARTICLE 42. DOG REGULATIONS

42.1 Definitions

As used in the bylaw, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) "Vicious Dog" means:

Any dog that has without clear provocation bitten or attacked a human being;

Any dog which has twice or more bitten a human being under any circumstance;

Any dog which has twice or more attacked or bitten any other animal(s) provided that:

(1) No dog shall be determined to be vicious for inflicting injury or damage on a person committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or teasing, tormenting, abusing or assaulting the dog or committing or attempting to commit a crime. In the same context no dog will be determined to be vicious for inflicting injury or damage on a domestic animal that was teasing, tormenting, abusing or assaulting the dog;

(2) No dog shall be determined to be vicious for taking action to defend or protect the owner or other person from an attack or assault by another person or animal;

(3) No dog shall be determined to be vicious if it is protecting or defending (erroneously or otherwise) its young or other animal. The owner will however be held responsible and correspondingly charged, if by negligence or by choice, he allows innocent persons or animals to be injured by a dog known by the owner to be in the situation where said dog would feel threatened.

(b) "Enclosure" for a vicious dog means a fence or other structure suitable to prevent the entry of young children and to securely confine the dog. Such enclosure shall have sides, top and bottom and shall be designed and constructed to prevent the dog from escaping.

(c) "Dog Control Officer" means any person designated by the Town Manager to enforce the requirements of this bylaw. Dog Control shall include all duties of the Dog Officer as listed in MGL and additional duties as specified by the Town Manager.

(d) "Person" means a natural person or any legal entity including but not limited to a corporation, firm, partnership or trust.

(e) "Muzzle" means a device that prevents a dog from biting any person or animal. It may be constructed of strong, soft material or of metal. A muzzle may not interfere with the vision or respiration of the dog that wears it, nor shall it cause any injury to the dog.

(f) "Licensing Authority" means the Office of the Town Clerk or other duly authorized licensing authority.

(g) "Visiting privileges" means the dog and its owner do not permanently reside in a particular neighborhood.

42.2 Registration (Dog Licensing) and Fees

Every dog kept in the Town of Bedford which is three months old or older shall be licensed. The licensing period shall be from June 1 until August 31 annually. A dog license is valid from September 1 to following August 31. Multiple year licenses may be obtained as set forth below.

42.2.1 The Town Clerk shall not grant such license for any dog unless the owner thereof provides the Town Clerk with either a veterinarian's certification that such dog has been vaccinated in accordance with the provisions of Section Four of this Bylaw or has been certified exempt from such provision as outlined in MGL Chapter 140 Section 137 or 137A, or a notarized letter from a veterinarian that a certificate was issued or a metal rabies tag bearing an expiration date indicating that such certification is still in effect.

The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable material, to which shall be securely attached a tag in a form prescribed by and issued by the Town Clerk when a license is issued.

42.2.2 The provision of MGL Chapter 140 Sections 138 (Notification of change of owner or keeper of licensed dog) and 138A (Importation of dogs and cats for commercial resale) are hereby expressly incorporated herein and violations thereof shall be and constitute violations of this bylaw.

42.2.3 A license duly recorded shall be valid throughout the Commonwealth, except that, in the case of the permanent moving of a dog into the town, the owner or keeper thereof shall, within thirty days after such moving, present the original license and tag of such dog to the Town Clerk and said Town Clerk shall take up the same and issue to said owner or keeper a transfer license, together with a tag, for such dog upon payment of one dollar. The provisions of this bylaw relative to the form and furnishing of licenses and tags shall apply to licenses and tags issued under this paragraph.

42.2.4 The owner of a dog shall pay a fee to the Town Clerk for licenses, as follows:

Dog License (each dog) $15.00

Two Year Dog License	$18.00
Three Year Dog License	$25.00
Late Fee for Dog License (up to and including 30 days)	$ 5.00
Late Fee for Dog License (31 days or more)	$25.00
Duplicate Tags	$ 1.00
Transfer Tags	$ 1.00
Certified Guide Dogs	No Fee
Police K-9 Dogs	No Fee

No license fee or part thereof shall be refunded because of subsequent death, loss, spaying, neutering or removal from the Commonwealth or other disposal of the dog.

42.2.5 In addition to a late fee, if applicable, and as a pre-condition for issuance of any license, an applicant shall be required to pay fees determined by the Town Clerk to be due for previous periods when the applicant's dog was required to be licensed hereunder, but was not so licensed.

42.3 Kennel Licensing

Four or more dogs, three months or older on a single premise, whether maintained for breeding, sale, training, hunting, or any other purpose, comprise a kennel. This shall include a shop where dogs are on sale. All kennels within the Town of Bedford must be licensed. The owner or operator of a kennel shall apply annually for a kennel license to the Town Clerk. The licensing period shall be from June 1 until August 31. A kennel license is valid from September 1 to the following August 31. Multiple year licenses are not granted.

42.3.1 Kennel licenses shall not be issued unless the Dog Control Officer and the Health Director have made a favorable recommendation to the Town Clerk. The recommendation of the Dog Control Officer and the Health Director shall be based on the annual inspection of the premises as provided in Chapter 140 Section 137C of the Massachusetts General Laws. Complaints registered and violations committed in the previous twelve month period against the owner or keeper of said kennel will also be taken into consideration when granting licenses and may form the basis for a refusal to grant such a license. Upon receipt of a recommendation to not renew a kennel license, the Board of Health shall convene a public hearing and, upon reviewing the information presented there, shall determine if such license shall be granted or withheld. In the event the Board of Health determines that a kennel license not be renewed, the previous licensee shall not be granted a kennel license for a period of one year, nor shall any other person be granted license to maintain a kennel at the same location for a period of one year. The one year period shall be measured from the date of the Board of Health's decision.

42.3.2 The owner and operator of any kennel shall be responsible for ensuring that any dog three months old or older on the premises is properly licensed in accordance with this bylaw.

42.3.3 The Clerk shall upon application issue, without charge, a kennel license to any domestic charitable corporation incorporated exclusively for the purpose of protecting dogs from cruelty, neglect or abuse and for the relief of suffering among dogs recognized as such by the Commonwealth of Massachusetts.

42.3.4 The owner of a kennel shall pay a fee to the Town Clerk for licenses, as follows:

Kennel License (4-9 dogs)	$60.00
Kennel License (10 or more dogs)	$100.00
Late Fee for Kennel License	$30.00

42.3.5 In addition to a late fee, if applicable, and as a pre-condition for issuance of any license, an applicant shall be required to pay fees determined by the Town Clerk to be due for previous periods when the kennel was required to be licensed hereunder, but was not so licensed.

42.4 Vaccination of Dogs Against Rabies

The owner or keeper of dog three months of age or older, housed or sheltered in the Town of Bedford shall cause such dog to be vaccinated against rabies by a licensed veterinarian using a licensed vaccine approved by the Mass. Department of Public Health. Unvaccinated dogs acquired or moved into the Town of Bedford shall be vaccinated within thirty days after the acquisition or arrival into Bedford or upon reaching the age of three months, whichever last occurs. Such owner or keeper shall procure a veterinarian's certification that such dog has been so vaccinated and setting forth the date of such vaccination and the duration of immunity, or a notarized letter from a veterinarian that a certification was issued.

The veterinarian shall issue a tag with each certificate of vaccination. The tag shall be secured by the owner or keeper of such dog to a collar or harness made of suitable material to be worn by the dog.

Vaccinated dogs shall be re-vaccinated periodically in accordance with the rules and regulations adopted and promulgated by the Mass. Department of Public Health.

42.5 Public Nuisances

42.5.1 Dogs Running at Large (Leash Law Provisions). No owner or keeper of any dog shall permit their dog to run at large at any time. An owner or keeper of a dog must accompany and restrain the dog on a leash or accompany with leash in hand and maintain effective voice control of the dog while off their own property. An obedient dog which is under the effective control of its owner may be permitted to be unleashed in Town-owned open spaces within the Town. Dogs must be on a leash on bike paths and at public events. No dogs are allowed in cemeteries. The provisions of this paragraph shall not apply to a guide dog or service dog while actually engaged in the performance of its trained duties.

Nothing contained in the foregoing paragraph shall prevent the Selectmen from passing any orders authorized by Massachusetts General Laws Chapter 140, Section 167 at such times as they shall deem it necessary to safeguard the public.

42.5.2 Barking No person shall own, keep or grant visiting privileges in this Town to any dog(s) which, by barking, howling, or in any similar manner, disturbs the peace and quiet of any other person. This prohibition includes owners and operators of kennels.

42.5.3 Oestrus Cycle. If a dog is in its oestrus cycle or "in heat", the owner or keeper of such dog shall restrain and isolate the dog for the duration of its oestrus cycle except as may be required by a specific breeding program. If the Dog Control Officer determines that such owner or keeper is not complying with

this requirement, the Dog Control Officer shall impound said dog for the duration of its oestrus cycle at the expense of the owner or keeper.

42.5.4 Dog Litter. The owner, keeper or other person then walking or otherwise in charge of a dog that defecates upon any property or area not owned by the owner of the dog shall immediately remove or cause to be removed from said property or area all feces so deposited by said dog. Unless said feces are removed, the owner, keeper and the person then walking or otherwise in charge of said dog (if owner, keeper or person is under the age of eighteen, then the parent or guardian) shall be deemed to have committed a punishable offense under this bylaw. The provisions of this paragraph shall not apply to a guide dog or service dog while actually engaged in the performance of its trained duties with a disabled person.

42.6 Quarantine of a Dog That Bites

All owners must notify the Dog Officer of dog bites. A dog that bites a person shall be quarantined for not less than ten (10) days as ordered by the Dog Control Officer. During quarantine, the dog shall be securely confined and kept from contact with any other animal. At the discretion of the Dog Control Officer, the quarantine may be on the premises of the owner. If the Dog Control Officer requires that confinement be elsewhere, the owner shall surrender the dog for the quarantine period to a dog shelter or shall, at his/her own expense, place it in a facility approved by the Dog Control Officer.

42.7 Confinement of Dogs

The Dog Control Officer shall seek out, catch and confine all dogs within the town that have not been licensed within sixty days of the time the dog is required to be licensed under this bylaw; and shall seek out, catch and confine any dogs within the town that are found on public property, or on private property where said dog is trespassing and the owner or person in control of such property wants the dog removed, said dogs being in violation of this requirement of this bylaw; and shall seek out, catch and confine any dog within the town when the owner of said dog has been cited for a violation of any provision of the bylaw, and has failed to pay or timely appeal any resultant fine or penalty.

42.7.1 Any dog confined by the Dog Control Officer, unless sooner retrieved by the owner, shall be kept for at least ten days. The owner of a licensed dog shall be notified of the dog's impoundment within twenty four hours. After ten days, the Dog Control Officer shall transfer control and care to the Lowell Humane Society or similar organization.

42.7.2 A dog confined by the Dog Control Officer shall not be released to the owner until the owner produces evidence of a current dog license, and reimburses the Town or its agent for care of the dog each day or part of a day counted as one day. If the owner does not have a current license for the dog, he or she must pay all fines and fees to bring the dog license up to date in addition to the fee per day charged by the Town or its agent. An owner will be charged for the care of the dog and shall pay for the care even though the dog is not returned to the owner. No dog shall be turned over or sold in any manner inconsistent with of MGL Chapter 140, Section 151, or disposed of inconsistent with the provision Section 151A.

42.8 Damage Caused By Dogs

The owner or keeper of a dog which has done damage to property, livestock or fowl shall be liable in tort to the owner of the property, livestock or fowl for all such damages.

42.9 Licensing and Regulation of Vicious Dogs

The Dog Control Officer shall notify the Town Clerk of all vicious dogs as defined in this bylaw. Upon such notice, the Town Clerk shall notify the dog owner or keeper that unless contested within forty eight hours, the dog will be considered vicious and any previously issued license will be considered immediately revoked. Owners or keepers must relicense the dog as "vicious" or notify the Licensing Authority as to the disposition of the dog within thirty days of the notice. A unique licensing number shall be assigned to a vicious dog by the Town Clerk. That number shall be noted on the town licensing files.

42.9.1 No vicious dog shall be licensed by the Town of Bedford for any licensing period commencing after June 1998 unless the owner or keeper of such vicious dog shall meet the following requirements:

(a) The owner or keeper shall present to the Town Clerk proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars, covering any damage or injury which may be caused by such vicious dog during the twelve month period for which licensing is sought. The policy shall contain a provision requiring the Town to be notified at least (30) days prior to cancellation, termination or expiration of such liability coverage

(b) The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve month period for which licensing is sought, unless the owner or keeper shall cease to own or keep the vicious dog prior to expiration of such license.

(c) The owner or keeper shall display a sign not to exceed one square foot on his or her premises warning that there is a vicious dog on the premises. The sign shall be visible and capable of being read from the public highway or roadway.

(d) The owner or keeper shall, on or prior to the effective date of such license for which application is being made, have a fenced enclosure for the vicious dog on the property where the vicious dog will be kept or maintained.

42.9.2 Control of Vicious Dogs. All vicious dogs shall be confined in an enclosure. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premise which does not have a locked enclosure or for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or outside of the enclosure, unless it is necessary for the owner or keeper to obtain veterinary care for the vicious dog, or to sell or give away the vicious dog or to comply with the commands or directions of the Dog Control Officer with respect to the vicious dog, or to comply with the provisions of this bylaw. In such event, the vicious dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred pounds and not exceeding three feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog.

42.9.3 Requirements to Notify. The owner or keeper of a vicious dog shall notify within 48 hours the Licensing Authority if said dog is unconfined, has attacked, another dog or has attacked a human, or has died or has been sold or given away; the owner or keeper shall also provide the Licensing Authority with the name, address and telephone number of the new owner of the vicious dog.

42.9.4 Authority of the Dog Control Officer. The Dog Control Officer is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this bylaw, and such Dog Control Officer is empowered to seize and impound any vicious dog whose owner or keeper fails to comply with the provisions hereof.

42.9.5 "Attack Dogs". No person shall possess with intent to sell, or offer for sale, breed, or buy or attempt to buy within the Town any dogs alleged to be "attack dogs" or known to be vicious. No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to attacks on human beings or other dogs.

42.9.6 Vicious Dog Seizure. In the event that a Dog Control Officer or law enforcement agent has cause to believe that a vicious dog is being harbored or cared for in violation of this Bylaw, the Dog Control Officer or law enforcement agent may order and affect the seizure and impoundment of the dog.

42.9.7 Review and Revocation of Licenses of Vicious Dogs. The license of a vicious dog shall be liable to revocation if said dog is kept in violation of this Bylaw, or if said dog attacks a person or another dog.

42.9.7.1 If the Dog Control Officer determines that a vicious dog is being kept in the Town in violation of this Bylaw, or any vicious dog has attacked a person or dog, the Dog Control Officer shall so notify the Selectmen. After giving notice to the owner of the hearing, the Selectmen shall hold a public hearing on whether to revoke the license of said dog or to order destruction of the dog. If the Selectmen revoke the license of said dog and do not order its destruction, they shall notify the owner or keeper of the dog and the Town Clerk within seven days that said dog will be impounded and destroyed if it is found within the Town after the succeeding seven days.

42.9.7.2 If the Selectmen revoke the license of a vicious dog, once a seven day period after the notification of revocation has occurred, the Dog Control Officer or other authorized agent shall impound and destroy such dog as unlicensed if found within the Town, pursuant to this Bylaw and the practice of M.G.L. C140, §157 or the procedure therein.

42.10 Violations and Dispositions

Any person authorized to enforce provisions of this Bylaw shall, in addition to any pickup of a dog pursuant to this Bylaw which may or may not occur, issue a citation to the owner or keeper of any dog violating the provisions of the Bylaw. Any such citation shall include, in addition to the violation charged, the name and address of the

owner or keeper of the dog, the date and time and location of the alleged offense, and the amount of the penalty due, if known. Said citation shall be on a form prescribed by and furnished by the Police.

42.10.1 Informal Disposition Process. The owner or keeper of the dog that receives a citation under this Bylaw, may within twenty-one days, confess to the offense charged by personally or through a duly authorized agent or by mailing to the Town Clerk, said citation along with payment in the amount as set forth in this Bylaw. Said payment shall be by postal note, money order or check. The payment to the Town Clerk shall operate as a final disposition of the case.

If such person desires to contest the citation through the Informal Disposition Process, he or she may, within twenty-one days of said issuance, request a hearing with the Town Clerk, or a hearing officer appointed by said clerk, and may present either in person or by counsel, evidence to refute the allegation contained in the citation. At such hearing, the clerk or hearing officer shall make a determination as to facts of the allegation, and said determination shall be final regarding the citation, unless formally appealed under Section 10.2 of this bylaw.

42.10.2 Noncriminal Disposition of Violations. If any person receives a citation under this Bylaw and desires to contest the violation alleged in the citation notice without availing themselves of the provisions of the Informal Disposition Process, or desires to contest the decision of the clerk or hearing officer, he or she may invoke the procedures established in MGL, Chapter 40, Section 21D. In either of the above cases, or if the owner or keeper of a dog fails to respond to the citation within twenty one days, the Town Clerk shall forward a copy of the citation to the District Court.

42.10.3 Penalties. The following penalties shall be in effect for violations of this Bylaw:

Informal Disposition Process	
1st Offense	Warning
2nd Offense within a 12 month period	$ 25.00
3rd Offense within a 24 month period	$100.00
4th or Subsequent Offense within a 36 month period	$200.00
Noncriminal Disposition through Massachusetts General Laws, Chapter 40, Section 21D	
1st Offense	Warning
2nd Offense within a 12 month period	$ 25.00
3rd Offense within a 24 month period	$100.00
4th or Subsequent Offense within a 36 month period	$200.00

Each day of all said violations shall constitute a separate offense. Repeated offenses of the same violation may result in removal of the dog from the Town of Bedford. A hearing will be held before the Board of Selectmen prior to removal.

42.11 Severability

If any provision of this bylaw be deemed unenforceable, the remaining provisions shall continue in full force and effect.

ARTICLE 43. LANDOWNER RESPONSIBILITIES

43.1 Wells

Where there is a well on a parcel of land, the owner shall provide a covering for the well that is capable of supporting a load of 300 pounds or fill the well to ground level.

43.2 Excavations

Owners of land for which an excavation is planned shall have a permit from the Inspector of Buildings and such excavation shall have a guardrail or fence erected to protect the public safety.

43.3 Pools

Every person owning land on which there is located a swimming pool which contains 24 inches (610 mm) or more of water in depth at any point shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, shall be not less than four feet (121 cm) above the underlying ground. All gates shall be self-closing and self-latching with latches placed four feet (121 cm) above the underlying ground and otherwise made inaccessible from the outside to small children. The clearance between the ground and fence shall not exceed two inches (51 mm) and openings in the fence shall not allow passage of a four inch (102 mm) diameter sphere.

The type of fence or structure to be used shall be approved by the Inspector of Buildings. After determining that the fence or structure will adequately protect the inhabitants, the Inspector of Buildings shall issue a permit for construction.

ARTICLE 44. PARKING REGULATIONS

44.1 Fire lanes

The Selectmen may establish fire lanes as a means of access for fire apparatus to any building and may require a property owner to post appropriate signs above grade at designated places on such fire lanes. Such a fire lane in a shopping center, or any other place where the public has a right of access, shall be a strip of 16 feet in width. Fire lanes which are a component of approved roadways/driveways shall not be designed so as to impede the normal flow of traffic. It shall be unlawful to obstruct or park a vehicle in a fire lane. The Chief of the Police Department or designee is authorized to remove or have removed any unattended vehicle in a fire lane which obstructs or blocks the operations of fire apparatus, in accordance with the provisions of M.G.L. Ch. 266, §120D.

44.2 Handicapped parking spaces

The owner of any off-street parking area for a shopping center or any other place where the public has a right of access shall reserve parking spaces in this off-street parking area for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate or special parking identification plate (placard) as defined in M.G.L. Ch. 90, §2. Reserved parking spaces shall be identified by use of above grade signs. The wording on the signs, location of signs and the number of reserved parking spaces in any area shall be in compliance with the provisions of M.G.L. Ch. 40, §21(23).

It shall be unlawful to park an unauthorized vehicle in a reserved parking space or to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a way. The Chief of the Police Department or any designee is authorized to ticket and remove or have removed any unattended, unauthorized vehicle which obstructs such curb ramps, or is parked in a reserved parking space in accordance with the provisions of M.G.L. Ch. 266, §120D.

ARTICLE 45. SCENIC ROADS

45.1 General

Under authority of M.G.L., Ch. 40, Sec. 15C - Scenic Roads, this bylaw establishes the procedure which must be followed if substantial trimming, cutting down, or removal of trees or tearing down or destruction of stone walls, or portions thereof, is proposed in conjunction with any repair, maintenance, reconstruction, or paving work on roads so designated. Work on roads involving the substantial trimming, cutting down, or removal of trees requires the approval of both the Planning Board and the Tree Warden.

45.2 Definitions

In the absence of contrary meaning established through legislative or judicial action pursuant to M.G.L., Ch. 40, Sec. 15C, these terms contained in that statute shall be construed as follows:

a. "Road" shall mean the entire area within the boundaries of the public way. If the boundaries are not officially known, any affected tree or stone wall shall be presumed to be within the public way until shown otherwise. Trees and stone walls located on the boundary line of a Scenic Road shall be covered by this bylaw. The Town Engineer shall determine, if possible, the location of both trees and stone walls to determine the applicability of the bylaw to them.

b. "Stone Wall" shall mean a congruent structure of stone constructed to enclose, divide, or define an area, and located at least partially within the boundaries of the road. Temporary disturbance of a stone wall for installation or underground utilities is not regulated, but failure to restore such wall to its original condition will be subject to enforcement action under Section 10 of this bylaw.

c. “Trees" shall be as described in M.G.L., Ch. 87, as Public Shade Trees, namely those live trees within the road of at least one and one-half inch caliper measured one foot from the ground. This bylaw hereby regulates the trimming of roots such as to endanger the health of any such tree; the trimming of healthy branches such as to remove approximately one-third or more of any such tree or significantly alter the shape of any such tree; or the cutting down or removal of any such tree.

Further, "substantial trimming" shall be defined as the trimming of healthy branches such as to remove approximately one-third or more of the tree's foliage or such as to significantly alter the shape of the trees; and/or as the trimming of roots such as to endanger the health of the tree.

45.3 Designated Roads

The following Roads are designated Scenic Roads, pursuant to M.G.L., Ch. 40, Sec. 15C, and as further clarified by this bylaw:

a. Davis Road
b. Dudley Road
c. Springs Road, from Page Road to the Bedford/Billerica town line, less that area where the fee to the road is owned by the Veterans Administration
d. Wilson Road
e. Old Billerica Road, from its intersection with Burlington Road to the Bedford/Billerica town line, less that area at the Route 3 overpass where the fee to the road is owned by the Commonwealth of Massachusetts
f. Page Road, from its intersection with Springs Road to its intersection with Brooksbie Road, and from its intersection with Shawsheen Road to the Bedford/Lexington town line
g. Pine Hill Road
h. Others may be added only by Town Meeting action

45.4 Determination of Applicability

For the purposes of this bylaw, either a request to the Department of Public Works or the work of a surveyor with the surveyor's written statement as to location of stone walls and trees will serve as a Determination of Applicability. For the removal of a stone wall, or any portion thereof, or the substantial trimming or the cutting down or the removal of any tree as herein defined, a filing must be made to the Planning Board or to both the Planning Board and the Tree Warden respectively.

45.5 Filing and Notice Procedure - Destruction of Stone Walls or Portions Thereof

For activities involving only stone walls, the proponent shall submit a request to the Planning Board, together with the following:

a. A plan and description of the proposed activity, including compensatory actions.
b. Except in the case of Town agencies, a deposit sufficient for the cost of advertising twice in a local newspaper as per M.G.L., Ch. 40, Sec. 15C.
c. The Planning Board shall, as required by statute, give notice of its Public Hearing by twice advertising in a newspaper of general circulation in the area, the last publication to occur at least seven (7) days prior to such hearing. The Planning Board shall notify the Director of the Public Works.

45.6 Filing and Notice Procedure - Substantial Trimming, Cutting Down, or Removal of Trees

For activities involving the substantial trimming, cutting down, or removal of trees as herein defined on Scenic Roads, the proponent shall submit a request to the Tree Warden, together with the following:

a. A plan and description of the proposed tree or trees to be trimmed, cut down, or removed, the reason for the request, and possible compensatory actions.
b. Except in the case of Town agencies, a deposit sufficient for the cost of advertising twice in a local newspaper as per M.G.L., Ch. 87, Sec. 3.
c. Trees shall be labeled in accordance with said Sec. 3 of Ch. 87, the Shade Tree Act. The Tree Warden, as required in M.G.L., Ch. 40. Sec. 15 C, shall give notice of joint public hearing with the Planning Board by twice advertising in a newspaper of general circulation in the area, the last publication to occur at least seven (7) days prior to such hearing. The Tree Warden and the Planning Board shall mutually agree on the date of the public hearing.

45.7 Hearing - Tearing Down or Destruction of Stone Walls or Portions Thereof

The Planning Board will take into consideration the following in its deliberations:

a. Environmental and historical values
b. Scenic and aesthetic characteristics
c. Public Safety, traffic volume, and congestion
d. Relationship of road design to State and local standards
e. Compensatory actions proposed, such as relocation of walls (or replacement of trees under Sec. 8)
f. Financial aspects of alternatives to avoid or reduce damage to stone walls (or trees under Sec. 8)
g. Existence or absence of reasonable alternatives

45.8 Hearing - Substantial Trimming, Cutting Down, or Removal of Trees

The Planning Board and Tree Warden will take into consideration the size, species, age, and condition of the tree or trees along with the considerations listed in Sec. 7a through 7g.

45.9 Emergency and/or Exempt Work

Nothing in this bylaw shall prevent any work being performed as the result of emergency conditions that threaten the lives and/or safety of the public, as determined by the Director of Public Works or his/her designee.

45.10 Enforcement

The Inspector of Buildings of the Town of Bedford is hereby designated as the officer charged with the enforcement of this bylaw.

a. The Inspector of Buildings, upon a written complaint made by the Tree Warden and/or the Planning Director for the Town of Bedford, or upon such officer's own initiative, shall institute any appropriate action or proceedings in the name of the Town of Bedford to prevent, correct, restrain, or abate violation of this bylaw. If the Inspector of Buildings is requested in writing to enforce the bylaw and such inspector declines to act, he shall notify in writing the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within 14 days of receipt of such requests.

b. Criminal Complaint - No fines shall be levied for destruction of or damage to any tree of less than three inches caliper measured one foot from the ground. With respect to stone walls or trees of three inches or greater caliper measured one foot from the ground, a person who violates any provision of this bylaw shall be punished by a fine of not more than $300.00 per tree or per incident resulting in the destruction of stone walls.

c. Non-criminal Disposition - In addition to the procedure for enforcement as described above, the penalty for such violation shall be $300.00 per tree, or per incident that results in the destruction of stone walls. It may also be enforced by non-criminal disposition, as provided in M.G.L., C. 40, §21D. No penalty shall be imposed for destruction of or damage to any tree of less than three inches caliper measured one foot from the ground.

ARTICLE 46. STREETS, SIDEWALKS AND PUBLIC PROPERTY

46.1 Acceptance of Streets

The Town may vote to accept, relocate or alter a way as a Public Way provided that the way has been properly laid out, bounded and constructed in accordance with Massachusetts General Law and the standards of the Department of Public Works and

a copy of such layout be filed in the office of the Town Clerk. Proper releases and appropriate easements from all owners and abutters must also be received and filed.

Approved subdivision ways may also be accepted provided the ways meet the requirements of paragraph one of this section and all other rules and regulations of the Planning Board.

46.2 Street opening permit

No person shall break or dig up any sidewalk, street, or public way, or place thereon any staging or other temporary structure, or move any building in or along the same, without first obtaining proper insurance coverage and a Street Opening Permit from the Department of Public Works. The Permit shall be in force for such time as the Department may specify and shall be subject to conditions as they may prescribe.

46.3 Traffic Officer during construction

Construction work on or above any sidewalk, street or public way shall have a police officer to direct traffic if in the opinion of the Chief of Police an officer is necessary. The expense of the police officer shall be assumed by the party or parties doing the construction work.

46.4 Fences

No person shall erect, set up or maintain any fence, portico, platform or doorstep extending into or on any sidewalk, street, or public way in the Town.

46.5 Prevention of falling snow or ice

No owner of a building with a slanted roof abutting any sidewalk shall permit the building to be without barrier, snow guard or other device to prevent the falling of snow or ice from the roof to the sidewalk.

46.6 Discharging water

No person owning or controlling any building, land or pool shall cause any water to run or be discharged on or across any sidewalk, street or public way except for incidental short term use which will not cause public inconvenience or hazard.

46.7 Throwing objects

No person shall throw objects onto, across or at any public way of the Town.

46.8 Littering on public property

No person shall place, throw, deposit, discharge or cause to be placed, thrown, deposited, or discharged any trash, bottles or cans, refuse, rubbish, garbage, debris, scrap waste, or any other material of any kind on streets, sidewalks and land owned, managed, or maintained by the Town of Bedford. The person in violation may be punished by a noncriminal penalty not exceeding $300.00 for each offense.

Any officer having the power to enforce the bylaw who observes the violation, as an alternative to criminal proceedings pursuant to M.G.L. Ch. 270, §16, may give to the offender a written notice to appear before the Clerk of the Concord District Court at any time during office hours, not later than 21 days after the date of such notice. Such notice and all proceedings pursuant thereto shall conform to the provisions of M.G.L. Ch. 40, §21D.

This bylaw shall be enforced by police officers of the Town of Bedford and/or by the Town of Bedford Health Inspector.

46.9 Signs on public property

No person shall place any paint, posters, advertisements or paper of any description on or upon any street, tree, sidewalk, utility pole, traffic signal, or other public property except yard sale or garage sale signs as provided in the sign bylaw.

46.10 Clearing of Obstructions on Sidewalks, Placing Snow on Public Way or Town Property

The owner of land abutting a public sidewalk or a sidewalk to which the public has access as licensees or invitees shall insure that no trees, vegetation or brush intrude from his or her land into the area of the sidewalk.

No person shall deposit or place or cause to be deposited or placed any snow, other than incidental amounts of snow, on any public sidewalk, street or way which has previously been cleared of snow, nor shall any person deposit or place or cause to be deposited or placed any snow or ice upon town property without express permission of the Director of Public Works. This section may be enforced by the Director of Public Works or designee, or the Chief of Police or designee, thereof through the provisions of M.G.L., C. 40, § 21D, and the penalty for each violation shall be one hundred dollars ($100.00).

46.11 Driving to cause damage without permit

No person shall drive, move or operate any truck, tractor, bulldozer, power shovel or other heavy machine or vehicle upon or across any sidewalk or over any area inside or outside of the traveled portion of a street or public way where such driving, moving or operating may cause damage to pavement, sidewalk, drains, pipes, fences or other Town property without first obtaining a street opening permit from the Department of Public Works. Conditions for the protection of the property of the Town and the safety of the public shall be imposed by the Department of Public Works when granting the permit.

46.12 Driving where prohibited

No person shall drive a vehicle over that part of a sidewalk, street or public way which is being constructed, repaired or paved if signs are posted prohibiting the same.

46.13 Parking vehicle on sidewalk

No person having charge of a vehicle shall drive or park such vehicle on any sidewalk or footpath except to access a driveway where approved by the Town.

46.14 Unauthorized vehicles on public property

No person shall operate any unauthorized motorized vehicle including any automobile, snowmobile, moped, motorbike or motorcycle on any public property including park land, school grounds, conservation land, the Town Forest, bikeways, water or sewer main rights of way and drainage rights of way except a motorized wheel chair used by a disabled individual. Nothing within this section shall be meant to prohibit the lawful use of a properly licensed and registered motor vehicle on a public street or parking area intended for that purpose. Violators shall be subject to a fine not to exceed $200.00 or impoundment of the motorized vehicle or both.

In addition to the procedure for enforcement as described above, the provisions of the bylaw may also be enforced by noncriminal disposition, as provided in Massachusetts General Laws, Ch. 40, §21D. The penalty for such violation shall be $25.00 for the first offense, $50.00 for the second offense, and $100.00 for the third and each subsequent offense.

46.15 Vehicles obstructing snow removal

No person shall place or cause to be placed any vehicle which will interfere with the removal or plowing of snow or the removal of ice in any street or public way in the Town.

46.16 Removal of vehicles obstructing snow removal

The Department of Public Works is authorized and empowered to remove or cause to be removed any vehicle obstructing the plowing of snow or the removal of ice to some convenient place including a public garage. The owner of the vehicle shall be liable for the cost of such removal and any resulting storage charges.

46.17 Alcohol

No person shall drink or possess an unsealed container of any alcoholic beverage as defined in M.G.L. Ch. 38, §1

(a) while in or upon any public place or public building without permit of the Selectmen, or

(b) while in or upon private parking lots and private ways to which the public has access unless prior consent has been obtained from the owner or authorized person in control.

All alcoholic beverages in possession of a person or persons in violation of this bylaw 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.

46.18 Public Consumption of Marihuana or Tetrahydrocannabinol

46.18.1 Public Consumption Forbidden

No person shall smoke, ingest, otherwise use or consume marihuana or Tetrahydrocannabinol (as defined in M.G.L., C. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town; or in any place accessible to the public.

46.18.2 Enforcement

The Police Department shall enforce this bylaw. This bylaw may be enforced, in the sole discretion of the enforcing agent, through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L., C. 40, § 21, or by noncriminal disposition pursuant to M.G.L., C. 40, § 21D. The fine for violation of this bylaw shall be three hundred dollars ($300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under M.G.L., C. 94C, § 32L.

46.19 Disposal site

The Selectmen may designate a suitable area that may be used by residents of the Town for the purpose of dumping debris, yard waste, or other similar materials. The area shall be under the control of the Department of Public Works which shall make all necessary rules and regulations governing its use.

46.20 Underground utilities

Any person, firm, corporation, partnership, their agents and employees, who has been granted, or may be granted, any license, permission, or other authority to construct or maintain poles and overhead wires and associated overhead structures upon, along, under or across any public way or ways, is forbidden from installing or constructing, and shall remove immediately any poles, overhead wires and associated overhead structures which are located as follows: on, along or across The Great Road from a point at the east sideline of Walsh Road to a point 160 feet west of Bacon Road, and, on, along or across The Great Road and Fletcher Road from a point on the southeast intersection of Elm Street and said The Great Road across The Great Road to a point

on the east side of said Fletcher Road at the northeast intersection of said The Great Road and said Fletcher Road and traveling a distance of approximately Two Hundred feet (200') northerly along said Fletcher Road.

46.21 Bikeway

The Minuteman Bikeway shall be open to the use of the public between the hours of 5:00 a.m. and 9:00 p.m. Persons found on said premises between the hours of 9:00 p.m. and 5:00 a.m. shall be considered trespassers and subject to a fine of up to $20.00.

46.22 Hunting

A person shall not hunt any bird or mammal within the Town, except on the Concord River during the applicable open season. A person shall not otherwise discharge any firearm on public land, except as provided by law.

46.23 Scavenging Prohibition

No person shall, for commercial purposes, remove or interfere with any materials from curbside recycling containers placed along streets or sidewalks intended for Town pickup.

46.24 Prompt Removal of Utility Poles

Consistent with the provisions of section 34B of chapter 164 of the general laws of Massachusetts, an electric distribution company or telephone company engaging in the removal of an existing pole and the installation of a new pole in place thereof shall complete the transfer of wires, all repairs and the removal of the existing pole from the site within 90 days from the date of installation of the new pole or within 90 days from the effective date of this bylaw, whichever is later; provided, however, that for any approved commercial or industrial construction project, the completion of which is expected to take longer than one year, said company shall be required to remove such pole within six months from the date of installation of the new pole. The owner of such pole shall notify all other users of the starting date of such removal and installation work at least 48 hours prior to the commencement of such work, and said owner shall require all other users to remove their wiring and other attachments from the poles in a timely manner.

For purposes of this provision of the Bedford General Bylaws the term "owner" shall mean the entity owning or having majority ownership of any such pole.

Violations of the terms of this bylaw provision shall be punishable by a penalty of one hundred dollars for each pole for each day of violation. This section of the Bylaws may be enforced by a noncriminal citation pursuant to M.G.L.c.40 section 21D, by any police officer, the Inspector of Buildings or the Director of Public Works of the Town.

ARTICLE 47. FIRE PREVENTION

47.1 Standards

Fire protection standards and requirements shall conform to M.G.L. Ch. 148 as amended, rules and regulations made under that authority, and provisions of these Bylaws where more restrictive.

47.2 Agent of Chief

Any reference to the Chief of the Fire Department shall also mean any agent appointed by the Chief.

47.3 Above ground tanks

All above ground tanks for the storage of petroleum based products which are located outside of any building shall be double walled. A means shall be provided for the space between the tanks to be tested for leakage. This section shall not apply to any tanks of less than twenty gallons. All above ground tanks which are located outside of any building shall be maintained in good condition and free of corrosion.

47.4 Limits on above ground tanks

In Residential or Limited Business Zones any fuel oil tank over five hundred (500) gallons capacity shall be placed underground.

47.5 Inspection

The Chief of the Fire Department shall annually, or more often if necessary, inspect all business and industrial buildings, schools, public buildings, private clubs, meeting places, hospitals, buildings used as rest homes and all other places of public gathering. The Chief shall establish the necessary rules and regulations for firefighting equipment and its inspection and also for exit lights and fire escapes.

47.6 Open fire permits

An open fire shall require a permit issued by the Chief of the Fire Department. Permitted open fires shall have proper supervision. This section, however, does not apply to open fireplaces or other appurtenances that have been properly constructed.

The Chief of the Fire Department shall have the authority to ban all fires if, in the Chief's opinion, hazardous conditions exist.

47.7 Requests for service

In situations where assistance from the Fire Department is requested, the Selectmen shall establish a minimum and hourly rate for fire equipment, apparatus and/or personnel. The party requesting this service shall pay these established rates to the Town. However, this section shall not apply to requested assistance from other towns, cities, and any branch or agency of the federal or state government

ARTICLE 48. ALARMS

48.1.0 Definitions

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

(a) “Alarm System” shall mean an assembly, equipment, devices or a single device arranged to signal the presence of a hazard requiring urgent attention and to which police or firefighters are expected to respond.

(b) “Alarm User” or “User” shall mean any person on whose premises an alarm system is maintained within the town except for alarm systems on motor vehicles or proprietary systems. Excluded from this definition and from the coverage of this bylaw are central station personnel and persons who use alarm systems to alert or signal persons of an attempted unauthorized intrusion or holdup attempt within the premises in which the alarm system is located. If such a system, however, employs an audible signal emitting sounds or a flashing light or a beacon designed to signal persons

outside the premises, such system shall be within the definition of alarm system, as that term is used in this bylaw and shall be subject to this bylaw.

(c) "Automatic Dialing Device" shall mean an alarm system, which automatically sends over regular telephone lines, by direct connector or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

(d) "Central Station" shall mean an office to which remote alarm and supervisory signaling devices are maintained continuously to investigate signals.

(e) "Chief" shall mean either the Police Chief or the Fire Chief of the Town or their designated representatives.

(f) "Direct Connection" shall mean an alarm system that has the capability of transmitting system signals to and receiving them at the Town Emergency Communication Center.

(g) "Emergency Communication Center" shall mean the central answering point for all public safety related matters for the Town. This includes receiving and transmitting radio, telephone and electronic messages for Police, Fire and Emergency Medical Services for the Town.

(h) "False Alarm" shall mean 1) the activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of the alarm system or of his/her employees or agent; 2) any signal or oral communication transmitted to the police department requesting, or requiring, or resulting in a response on the part of the police department when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises and no attempted robbery or burglary at a premises. Excluded from this definition are nuisance alarms caused by extraordinary events such as hurricanes, tornadoes, earthquakes and similar conditions and also similar events not controllable by the users.

(I) "Fire Chief" shall mean the Chief of Fire Department of the Town or his designated representative.

(j) "Fire" or "Fire Department" shall mean the Town Fire Department or any authorized agent thereof.

(k) "Interconnection" shall mean to connect an alarm system to a telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

(i) "Police Chief" shall mean the Chief of Police of the Town or his designated representative.

(m) "Police" or "Police Department" shall mean the Town Police Department or any authorized agent thereof.

(n) "Public Nuisance" shall mean anything, which annoys, injures or endangers the comfort, repose, health or safety of any considerable number of persons or of any community or neighborhood.

(o) "Town" shall mean the Town of Bedford.

48.2.0 Conditions for Interconnection and Direct Connection

48.2.1 Automatic Dialing Devices – Interconnection to Police Department

No automatic dialing device shall be interconnected to any telephone numbers at the Police Department, Fire Department or Emergency Communication Center after the effective date of this bylaw. Within six (6) weeks after the

effective date of this bylaw, all automatic-dialing devices already interconnected to any telephone numbers at the Police Department, Fire Department or Emergency Communication Center shall be disconnected therefrom. The user of each such device shall be responsible for having the device disconnected upon notification by the Police Chief or Fire Chief.

48.2.2 Direct Connection

There shall be no direct connection to the Police Department or to the Emergency Communication Center other than fire alarms approved by the Fire Chief.

48.3.0 Control and Curtailment of Signals Emitted by Alarm Systems

48.3.1 A residential alarm system user shall be responsible for the proper operation of that system.

48.3.2 Every non-residential alarm system user shall submit to the Police Chief the names and telephone numbers of at least two (2) persons who can be reached at any time and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed.

48.3.3 All alarm systems shall be equipped with an enunciator which will give at least a ten (10) second delay prior to alarm system arming in order to warn the alarm user of an alarm condition. Means shall also be included to enable an authorized user to enter his/her premises without creating an alarm.

48.3.4 Within six (6) months from the effective date of this bylaw all alarm systems that use an audible horn or bell shall be equipped with means to shut off such horn or bell within ten (10) minutes after activation of the alarm system.

48.3.5 All alarm systems installed after the effective date of this bylaw, which use an audible horn, or bell shall be equipped with a device that will automatically shut off such horn or bell within ten (10) minutes after activation of the alarm system.

48.3.6 Any alarm system emitting a continuous and uninterrupted signal for more than one (1) hour between 7:00 P.M. and 6:00 A.M. which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under Section 3.2 of this section, and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under Section 3.2 of this section in an effort to abate the nuisance. The Police Chief shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

In the event that the Police Chief is unable to contact the alarm user, or members of the alarm user family, or those persons designated by the alarm user under Section 3.2 of this section, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system, and if the Police Chief is otherwise unable to abate the nuisance, he may direct a police officer or a qualified alarm technician to enter upon the property outside the

home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.

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

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

48.4.0 False Alarms

48.4.1 When a message is received by the Emergency Communication Center, that upon investigation is determined to have been a false alarm, the Chief shall take action as may be appropriate under paragraphs (4.2), and (4.3) of this section, and, when so required by the terms of the aforementioned paragraphs, order the use of an alarm system be discontinued.

48.4.2 After the Emergency Communications Center has recorded two (2) separate false alarms from an alarm system within a calendar year, the Chief shall issue a warning, as provided under the noncriminal disposition procedure of these bylaws, to the alarm user, in writing and either by certified mail or hand delivery, of such fact and require the said user to submit within fifteen (15) days after receipt of such notice, a report describing efforts to discover and eliminate the cause or causes of the false alarms. If the said user, on the basis of absence from the Town, or any other reasonable basis, requests an extension of time for filing the report, the Chief may extend the fifteen (15) day period for a reasonable period. If the said user fails to submit such a report within fifteen (15) days or within any such extended period, the Chief shall order the user of alarm system to immediately have the system repaired or discontinue its use.

48.4.3 Any user of an alarm system which transmits false alarms shall be assessed a fine of twenty- five ($25) dollars for a third false alarm occurring within a twelve (12) month period, fifty ($50) dollars for a fourth false alarm occurring within a twelve (12) month period, and one hundred ($100) dollars for a fifth

and all subsequent false alarms occurring within a twelve (12) month period. All fines assessed hereunder shall be paid to the Town Treasurer for deposit in the general fund.

48.5.0 Testing of Equipment

Permission is not required to test or demonstrate alarm devices not transmitting emergency messages to the Emergency Communications Center. An unauthorized test transmitted to the Emergency Communications Center constitutes a false alarm.

48.6.0 Enforcement

The provisions of this article of the Bedford General Bylaws may be enforced by either the initiation of criminal proceedings in the District Court or by noncriminal disposition pursuant to the provisions of M.G.L. c. 40 § 21D. For purposes of issuance of a noncriminal citation, this article may be enforced by any Police Officer of the Town or the Fire Chief or his/her designee.

ARTICLE 49. CONTROL AND MANAGEMENT OF HAZAROUDS MATERIALS

49.1 Purpose

This Bylaw is hereby adopted to provide rules and guidelines for the safe management, handling, and transport of hazardous materials used in commercial, industrial, or other nonresidential settings in order to minimize, prevent, or eliminate adverse environmental effects and to protect public health.

49.2 Definitions

In this Bylaw the following terms shall mean:

49.2.1 "Board", shall mean the Bedford Board of Health and shall include enforcement officer/s as the Board may designate as its representative for purposes of enforcing the provisions of this Bylaw.

49.2.2 "Responsible Party", shall include owners, occupants, and operators of new or existing premises and operations, except residential, which use, handle, or manage hazardous materials.

49.2.3 "Hazardous Materials", shall mean any substance, or combination of substances, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. However, it does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act of 1967 as amended, or materials which are discharged subject to permits under the Clean Air Act of 1970 as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Acts of 1954. The definition of hazardous materials shall include substances considered to be toxic or hazardous by the Division of Hazardous Waste of the Commonwealth of Massachusetts under the provision of Massachusetts General Law, Chapter 21C as amended.

49.2.4 "Violation", shall include; failure to meet the provisions of this Bylaw, the required contingency plan or the required training plan.

49.2.5 "Certificate of Compliance", hereafter COC, is a document that certifies official recognition of compliance with respect to this Bylaw.

49.2.6 "Spills and Leaks", shall have the following meanings; i) An actual release to the environment of any substance listed in Public Law 99-499 ("SARA") Sections 302 and 304, or any substance listed in Massachusetts General Law Chapter 21E, in volume in excess of one-half of the Reportable Quantity (RQ) stated therein, ii) An actual release to the environment of any substance listed in Massachusetts General Law Chapter 111F (the Massachusetts Substance List) in volume exceeding one (1) pound, and which substance is not already listed above.

49.3 Compliance

The Board may vary any requirement of subsections 3.1 and 3.2 upon demonstration by the applicant that the intent of said Sections 3.1 and 3.2 may be otherwise satisfied. (see also Bylaw Section 4.5)

49.3.1 Contingency Plan

49.3.1.1 The responsible party shall have a contingency plan for each facility. A statement of environmental policy signed by the responsible party shall be included indicating management's intent and resolve to prevent and minimize unsafe handling and accidental spillage of hazardous materials.

49.3.1.2 The provisions of the contingency plan shall be carried out immediately whenever there is a spill or leak as defined in Section 2.6.

49.3.1.3 The contingency plan shall clearly define the lines of communication and responsibilities among facility personnel and shall describe the actions they shall take to;
(a) comply with Sections 3.1.1 and 3.1.2; and
(b) complete incident notifications and reports

49.3.1.4 If the responsible party has, prior to the effective date of this bylaw, prepared a plan concerning Spill Prevention, Control, and Countermeasures (SPCC) or some other emergency or contingency plan, the responsible party need only add to that plan whatever is necessary to comply with the requirements of this Bylaw.

49.3.1.5 Each facility shall at all times have an emergency coordinator either on the premises, or, to the extent the facility's operations make this option inappropriate, on call and available to respond to an emergency by reaching the facility within one hour. The emergency coordinator shall have the responsibility for coordinating all emergency response measures. This person shall be thoroughly familiar with all aspects of the contingency plan, all operations and activities at the facility, the location and characteristics of hazardous materials, the location of all records, and the facility layout. The coordinator shall have access to all parts of the facility. In addition, this individual shall have the authority to hire emergency contractors, consultants, or other

resources necessary to carry out the contingency plan in an emergency.

49.3.1.6 The contingency plan shall include maps and information which illustrate for the Bedford Fire Department, Department of Public Works, Police Department, area hospitals, and Board of Health, the layout of the facility and site, a complete listing of each hazardous material on-site with estimated maximum volumes of each hazardous material on-site where the estimated maximum volumes exceed the referenced volumes in Section 2.6, and other information concerning the quantities, locations and methods of storage, handling, and disposal of hazardous materials/wastes. An effort to consider and identify wetlands, in accordance with MGL CH. 131 s. 40 and the Town of Bedford Wetlands Protection Bylaw, shall be provided on a site map. As a minimum, the Town of Bedford Wetlands Maps shall be used as a reference. Following any hazardous materials spill, the site map shall be revised to include an on site wetlands delineation.

49.3.1.7 The contingency plan shall show an updated list containing the names, addresses, and the office and home telephone numbers of all individuals qualified to act as emergency coordinator. If more than one individual is listed, one shall be named as primary emergency coordinator and others shall be listed in the order in which they will assume responsibility as alternates. For new facilities, this information shall be initially supplied to the Board of Health at the time of application for COC. The Board of Health shall be promptly notified of any changes in this information.

49.3.1.8 The contingency plan shall include a list of all emergency equipment, including emergency medical equipment, to be kept and maintained at the facility. This list shall be kept up-to-date. In addition, the plan shall include the location and a physical description of each item on the list, and a brief outline of its capabilities.

49.3.1.9 The contingency plan shall include a description of procedures, or equipment used at the facility to prevent and/or respond to:

(a) uncontrolled reaction of incompatible materials especially wastes; for example, procedures to avoid fires, explosions, or toxic gases;

(b) hazards in unloading operations; for example, ramps, special fork lifts, emergency containment equipment;

(c) run-off from hazardous material handling areas to other areas of the facility or environment; for example, floor drains and exterior surface and storm drainage systems;

(d) flooding;

(e) adverse effects of equipment failure or power outages;

(f) hazards to public health, safety, or welfare or the environment from fires, explosions, spills, or any other unplanned or non-

sudden release of hazardous materials to air, soil, surface water, or ground water;

(g) undue exposure of personnel to hazardous materials (e.g., protective clothing).

49.3.1.10 The plan shall include a facility evacuation plan. This plan shall describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes in case the primary routes were to be blocked by potential or actual releases of hazardous waste or fires.

49.3.1.11 Reports of Spills and Leaks. Any person having knowledge of a spill or leak of hazardous material shall report same immediately to the Fire Department and additionally to the Board as soon as possible and within two (2) hours.

49.3.1.12 The Board may require a Responsible Party to implement reasonable measures to protect the environment or public health consistent with Section 1.0. Said requirements shall be reasonable in relation to the hazard involved and difficulty of compliance.

49.3.2 Training Plan

49.3.2.1 Training Program:

(a) Personnel assigned to the management or handling of hazardous materials shall successfully complete an initial and annual refresher review program of instruction or on-the-job training that teaches and reminds them to perform their duties in a way that ensures environmental safeguards, adequate personal health, public health, and the conditions of the facility's contingency plan in accordance with Bylaw Section 3.1. This program shall be directed by an instructor trained in hazardous material and hazardous waste management procedures and shall include instruction concerning specific hazardous waste management procedures, including contingency plan implementation relevant to the position in which the individual is employed.

(b) Personnel new to a facility shall not work in unsupervised positions until they have successfully completed appropriate training in accordance with Bylaw Section 3.2.1.

(c) Within 6 months of being assigned to a new position at the facility such personnel shall be provided additional training as needed in order to perform their new duties in accordance with Bylaw Section 3.2.1.

(d) Training records of current personnel shall be retained for the duration of their employment at the facility. Training records of former personnel shall be kept for at least three years after the person last worked at the facility.

49.3.2.2 Contents of Training Plan:

(a) All instructors shall access and utilize in each training session a brief introductory training unit prepared and/or approved by the Bedford Board of Health. Said training unit will present and comprise "The

Bedford Experience", i.e. the continuing consequences with respect to hazardous waste and hazardous material releases in general.

(b) The Responsible Party shall prepare a written personnel training plan designed to ensure compliance with Bylaw Sections 3.2.1(a) - 3.2.1(d). To ensure that personnel are able to respond effectively to emergencies the training plan shall:

(1) Specify the frequency and the manner in which personnel will be familiarized with the chemical properties of the hazardous materials at the facility, emergency procedures, emergency equipment, emergency systems, and personnel safety equipment. This may be provided either individually by job title or by category of job function.

(2) Provide procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment.

(3) Provide instructions for the proper use of automatic safety systems, if any;

(4) Provide guidelines and procedures for emergency communications and use of alarm systems, if any;

(5) Provide guidelines and procedures to respond to fire, explosions, and threat of a spill or leak;

(6) Provide guidelines to respond to potential ground water or surface water contamination incidents;

(7) Provide a list, by job title, of each position related to the management or handling of hazardous materials;

(8) Provide a written description of the continuing training (vs. introductory training) that will be given to each individual filling a position listed pursuant to Bylaw Section 3.2.1(a).

(9) Provide for a records system that documents that the training required pursuant to Bylaw Section 3.2..1(a) has been given to, and satisfactorily completed by facility personnel; and

(10) Provide procedures for shutdown of operations.

49.3.3 Annual Review of Contingency Plan and Training Plan

The contingency and training plans shall be reviewed by the Responsible Party and the Board on an annual basis utilizing a form supplied by the Board, and the plans shall be amended if necessary, whenever:

49.3.3.1 A plan is to be voluntarily revised by the responsible party;

49.3.3.2 The plan fails in an emergency;

49.3.3.3 The list of emergency coordinators changes;

49.3.3.4 The list of hazardous materials, estimated volumes of hazardous materials, or the list of emergency equipment changes;

49.3.3.5 There is any change in the operation or maintenance of the facility;

49.3.3.6 There occurs any other circumstance which indicates the need for a change;

49.3.3.7 Upon request of the Board.

49.4 Compliance Procedures

49.4.1 Application and Renewal Requirements: Responsible Parties shall submit a letter to the Board requesting a COC and shall adhere to the following procedures:

49.4.1.1 Five copies of the required initial Contingency Plan and five copies of a detailed outline of the required initial Training Plan shall be provided by the applicant. A complete Training Plan shall be provided upon request of the Board at the time of initial compliance or any renewal.

49.4.1.2 The site shall be identified and a brief summary of site operations shall be provided on the cover page of each plan.

49.4.1.3 A renewal form, as supplied by the Board, shall be completed and returned to the Board on an annual basis by all Responsible Parties who have been issued a COC.

49.4.1.4 A filing fee shall be submitted with each initial COC application and each renewal application. The fee submittal shall be consistent with a fee schedule developed by the Board and said fee schedule may be revised from time to time in accordance with MGL Ch.111 Sec. 31. Until notice to the contrary, the fee schedule shall be as follows:

(a) $200. - for each initial CC application submittal

(b) $ 25. - for each annual review and routine amendments to Contingency Plans and Training Plans. Refer to Section 3.3.

(c) $300. - for all requests to review and/or amend Contingency Plan and/or Training Plan submitted in response to an emergency incident in which either plan has failed as determined by the Board.

49.4.2 Interagency Review

Upon receipt of a complete application, the Board shall immediately transmit a copy of the Contingency Plan and the detailed outline of the Training Plan to Fire Department, Public Works, Conservation Commission, and Selectmen. Each agency shall make recommendations as they may deem appropriate and forward these recommendations to the Board of Health within 30 days after receiving said documentation.

49.4.3 Decision Process

The Board shall act upon a completed application for COC within 75 days of receipt of application. In making such determinations the Board shall give consideration to the simplicity, reliability, and feasibility of the proposed control measures, and the degree of threat to the environment and public which would result if the control measures failed. Failure of the Board to respond or act within the referenced 75 day period shall be deemed a lack of opposition thereto.

49.4.4 Inspection

The Board may, according to law, enter upon any premises except residential, at any reasonable time to inspect for compliance with the provisions of this Bylaw. Upon demand by the owner or person in control of the premises, however, the Board shall obtain a warrant authorizing such entry and inspection. Information necessary to demonstrate compliance shall be submitted by the occupant of the premises at the request of the Board. If

requested, samples of hazardous materials shall be provided to the Board for testing. All records pertaining to hazardous materials, disposal and removal shall be retained for no less than five (5) years and shall be made available for review within 48 hours of a request.

49.4.5 Variance Process

Upon receipt of written request, a variance from the specific requirements of this Bylaw may be authorized by the Board, after notice and a public hearing, where the Board finds that, owing to circumstances relating to the type of operation, hazardous material, or anticipated volume of hazardous material, a literal enforcement of the provisions of the Bylaw would involve a substantial hardship, financial or otherwise, and that the relief sought may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of this Bylaw. The Board may impose such conditions, safeguards and limitations, both of time and of use, as it deems appropriate upon the grant of any variance.

49.4.6 Confidentiality

Any information, record, or particular document obtained by the Board shall, upon written request by the applicant, be kept confidential and not considered to be public record when it is deemed by the Board that such record, information, or report relates to proprietary processes, methods of manufacture or production or that such record, information, or report, if made public, would divulge a trade secret. This section shall not prevent disclosure of any information necessary for an enforcement action.

49.5 Enforcement

49.5.1 The provisions of this Bylaw shall be enforced by the Board of Health.

49.5.2 Responsible Parties violating this Bylaw shall receive written notification of violation. Said notification shall include a time allowed to correct the violation and may suggest corrective action/s which would be acceptable to the Board. Penalties, in accordance with Section 7.0, will commence accruing subsequent to elapse of the allowed time to correct said violation.

49.6 Administrative Appeal

Whenever the Board denies or modifies a COC the Board shall inform the Responsible Party to whom such action is addressed of its right to submit, within 15 days, a written request for reconsideration of that action. The request shall set forth in detail the facts supporting the request for reconsideration. The Board shall schedule interviews with the Responsible Party submitting the request and shall rule in writing on the request within 45 days of the completion of the interview process.

49.7 Penalties

Violations of this Bylaw shall be punishable by the maximum fines in accordance with Massachusetts General Law Chapter 40 Section 21 and additionally as may be provided for by law, i.e. recovery of all Town expenses incurred as a result of and associated with the violation. Each day or part thereof that such violation continues shall constitute a separate punishable offense.

49.8 Validity and Separability

The invalidity of one or more sections, subsections, clauses or provisions of this Bylaw shall not invalidate or impair the Bylaw as a whole or any other part thereof.

ARTICLE 50. UNDERGROUND STORAGE OF LIQUID PETROLEUM AND HAZARDOUS SUBSTANCES

50.1 Purpose

This bylaw sets forth regulations to control the installation and use of underground storage tanks for the protection of ground and surface waters from contamination with liquid petroleum or hazardous substances from storage tanks and associated equipment.

50.2 Definitions

The following definitions apply in this bylaw:

- Approved -- Listed or approved for use by a nationally recognized organization concerned with product evaluations and appropriate standards for such items.
    - ASTM-American Society for Testing Materials
    - Consumptive Use -- Fuel oil used exclusively for area heating and/or the heating of domestic water on the premises where stored.
    - CMR-Code of Massachusetts Regulations
    - FRP-Fiberglass Reinforced Plastic
    - Fire Chief-Head of the Bedford Fire Department or designee
    - Gallons-United States unit of 0.0037854 cubic meters
- Hazardous Substance --Any material which if released may pose a threat to health, safety or the environment.
- Liquid Petroleum -- Any fraction or by-product derived from crude petroleum that is liquid at ambient temperature and pressure.
- NFPA-National Fire Protection Association
- PSI-Pounds per square inch

50.3 Control Standards

a. All underground tanks and piping used for the storage of liquid petroleum and/or hazardous substances shall conform to 527 CMR 9.00 and this bylaw.
Exception: Tanks used for the storage of pressurized gases (e.g., propane)

b. The following regulations apply to all new underground liquid petroleum and/or hazardous substances storage tanks, piping, and associated equipment:

1. *Tanks*: All tanks shall be constructed with two complete shells. Both the inner and outer shells shall be manufactured of the same material. Tanks constructed of other than fiberglass reinforced plastic (FRP) shall meet the Steel Tank Institute 3-way Protection Standard for external corrosion resistance requiring, (a) a bonded dielectric coating on the outside, (b) electrical isolation from other components, and (c) a cathodic protection system, or shall be any other approved "state of the art" type tank which meets the intent of this bylaw. The interstitial space between the two tank shells shall be equipped with an approved monitoring device which shall continuously monitor for the presence of any liquid. All new tanks shall be compatible with the product that is to be stored in them. Any change in product, including additives, shall require that the owner obtain a certification from the tank manufacturer that the new product is compatible with the tank material.
Exception: Tanks of less than 1,000 gallons capacity, utilized exclusively for consumptive use on the premises, shall not require an interstitial space

monitoring system if the space is checked annually for the presence of any liquid.

2. *Piping System and Associated Equipment*: Piping shall be stainless steel, FRP, steel or other material approved by 527 CMR 4.00. All piping shall be of double walled construction. Piping and associated equipment shall be approved for the intended use and compatible with the intended products. Any termination point for secondary containment piping, which is not located in a normally occupied space, shall be equipped with a liquid tight tray or sump. The tray or sump shall be equipped with an approved monitoring device which shall continuously monitor for the presence of any liquid.

   exception: secondary piping monitoring systems shall not be required on consumptive use tanks of less than 1,000 gallons.

3. *Inspection Systems*: A heavy walled perforated PVC pipe shall be installed in a bed of stone at the low end of the tank excavation. The pipe shall be at least four inches in inside diameter and shall extend from at least one foot below the bottom of the tank to the surface. The top of the pipe shall be fitted with a threaded cap or a plug, and shall be enclosed within a tamper resistant box at the surface which is permanently identified as to its purpose. The cathodic protection system required for steel tanks shall be accessible for periodic testing as required by 527 CMR 9.00 and replaced as needed.

4. *Monitoring Systems*: All required monitoring systems shall be inspected by qualified personnel on an annual basis. A certified report of the inspection and/or tests shall be forwarded to the Fire Chief. Operator warning or notification devices which are a part of required monitoring systems shall be located as directed by the Fire Chief.

c. The following additional regulations shall apply to all existing underground liquid petroleum and/or hazardous substance storage tanks, piping, and associated equipment which does not meet the requirements of Section 3(b) and have an aggregate on-site capacity of 1,000 gallons or more.

1. Owners or agents of existing tanks shall file with the Fire Department the size, type, age and location of each tank and the type of product stored, on forms approved by the Fire Chief. Evidence of date of purchase, installation, and the Fire Department permit, shall be included.

2. Owners or agents of existing tanks for which evidence of installation date is not available shall at the order of the Fire Department have such tanks tested or uncovered for inspection. If, in the opinion of the Fire Chief, the tank is not product tight, it shall be removed.

3. All tanks and associated piping shall be subject to one of the following tests one year after installation and three year intervals thereafter: a five PSI air pressure test performed on an empty tank, a full tank test certified to meet criteria established by NFPA 329 or better, or other testing system for locating leaks on an operating tank as may be approved by the Fire Chief that provide equivalent safety and effectiveness. Certification of the results of testing shall be submitted to the Fire Department.

   The interstitial space shall be inspected annually for the presence of liquid. If an electronic sensor is used, the sensor shall be removed and tested for

correct functioning in accordance with the manufacturer's requirements; a sensor shall be reinstalled only if it meets all of the specifications.

The cathodic protection system for steel tanks shall be inspected at least annually in accordance with 527 CMR 9.00.

All tests shall be performed by qualified personnel. A certified report of all the required inspections shall be submitted to the Fire Department.

4. All nonconforming tanks shall be removed when twenty (20) years old.
5. Owners of nonconforming tanks shall submit to the Fire Department a quarterly summary statement reconciling the inventory records required under 527 CMR 9.00. This statement shall be submitted within ten business days of the close of the calendar quarter. Owners of tanks in conformance shall submit this statement annually within ten business days of the end of the calendar year.

d. All underground consumptive use storage tanks with a capacity of less than 1,000 gallons and which do not meet the requirements of Section 3(b)(1) of this bylaw, shall be removed when 35 years old. This provision shall not take effect until July 1, 2000.

50.4 Administration

a. The provisions of this bylaw shall be administered by the Fire Department.

b. No tank that is regulated under this bylaw shall be installed, altered, or removed without first obtaining a permit from the Fire Chief.

A permit to install shall not be issued until a fee, prescribed by the Selectmen, has been paid and a plot plan has been submitted to and approved by the Inspector of Buildings. Two copies of a certified as-built plan shall be submitted prior to final acceptance.

c. Any owner or agent of any underground storage equipment regulated under this bylaw shall notify the Fire Department immediately upon discovery of an actual release or threat of release, of any product from the storage system, including piping and dispensing equipment. The presence of any liquid within any secondary containment area shall constitute a threat of release subject to this notification requirement.

d. Variances from the specific requirements of this bylaw may be authorized by the Selectmen after notice and a public hearing, if it is determined that the relief sought will not be significantly detrimental or injurious to the protection of ground and surface waters.

ARTICLE 51. SEWER SYSTEM

The Town of Bedford Sewer System was established under Chapter 223 of the Acts of 1947, as amended by Chapter 131 of the Acts of 1952, and under M.G.L., Chapter 83.

51.1 Massachusetts Water Resources Authority

The Town is a member of the Massachusetts Water Resources Authority (MWRA) and is subject to the MWRA Sewer Use Regulations (360 CMR 10.000). No industrial discharge shall be allowed without permits from both the MWRA and the Town.

51.2 Administration

The sewer functions and services, including maintenance of the public sewers and

sewerage systems, shall be performed by the Department of Public Works in accordance with these rules and regulations of the Town of Bedford and Massachusetts Water Resources Authority including, but not limited to, the requirements of 360 CMR 10.000 and regulations and amendments thereof.

51.3 Definitions

Authority - shall mean Massachusetts Water Resources Authority.

Authority Sewerage System - shall mean the sewerage works under the control of the Authority including sewers, pump stations, treatment plants, and all other works under the control of the Authority used in collection, storage, transport, treatment, and discharge of waters and wastes and in the operation of the residuals program.

Building Sewer/Drain - shall mean that pipe which receives the discharge of wastewater from inside the walls of the building. The extension from the building to the public sewer or other place of disposal, also called house or building connection. The property owner owns the building sewer up to and including its intersection with the public sewer, and its maintenance, repair, and replacement are the sole responsibility of the property owner.

Commonwealth - shall mean the Commonwealth of Massachusetts and its regulatory departments.

Easement - shall mean an acquired legal right for the specific use of land owned by others.

EPA - shall mean the United States Environmental Protection Agency.

DEP - shall mean the Massachusetts Department of Environmental Protection.

Department - shall mean the Department of Public Works.

Director - shall mean the Director of Public Works, who is the administrative authority for the wastewater collection system in the Town of Bedford. In the absence of the Director, the Director's designee shall be authorized to perform the Director's duties and responsibilities.

DPW - shall mean the Department of Public Works.

Floatable Oil - shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

Grease, Oil, and Sand Interceptors - shall mean devices used to prevent grease, oil, and sand from entering the wastewater stream.

Industrial Waste - shall mean any solid, liquid, or gaseous wastes or wastewater, resulting from an industrial or manufacturing process, or from a commercial, governmental, or institutional activity, or from the development, recovery, or processing of natural resources.

Infiltration - shall mean water other than wastewater that enters any sanitary sewer (including building sewers) from the ground through means which include, but are not limited to, defective pipes, pipe joints, service connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

Inflow - shall mean water other than wastewater that enters a sewer (including building sewers) from sources which include, but are not limited to, roof leaders, cellar drains, yard drains, area drains, sump pumps, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch

basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

Infiltration and Inflow - (I/I) shall mean the quantity of water from both infiltration and inflow.

May - is permissive (see "Shall").

MWRA - shall mean Massachusetts Water Resources Authority.

Natural Outlet - shall mean any outlet, including storm sewers into a watercourse, pond, ditch, lake, or other body of surface or ground water, without any wastewater flow.

Non-Residential - includes agricultural, commercial, hospital, industrial, institutional, nursing care, school, and religious.

Person - shall mean any individual, firm, company, association, society, corporation, partnership, group, any political subdivision of the Commonwealth, or entity of any sort.

pH - shall mean the negative logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7}.

Private Sewer - shall mean the building drain and the building sewer, which shall be owned, operated, and maintained by the owner of the property on which the private sewer is located.

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

Public Sewer - shall mean a common sewer controlled by a governmental agency or public entity. The public sewer extends to the property or easement line.

Residential Sewer - includes both single family and multiple family buildings. A mixed-use building is defined as a building with both residential and non-residential use. See non-residential use for "sewer unit" calculation.

(Sanitary) Sewer - shall mean a conduit that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, stormwater, and surface waters that are not admitted intentionally.

Septage - shall mean the wastes from holding tanks such as chemical toilets, campers, or trailers, and wastes from septic tanks and cesspools.

Sewage - is the used water of a community. The preferred term is "wastewater" (see "wastewater").

Sewer - shall mean a pipe or conduit that carries wastewater.

Shall - is mandatory (see "May").

Sludge - shall mean solid and semi-solid residuals and concentrated contaminants removed by treatment of wastewater.

Slug - shall mean any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds five (5) times the average twenty-four (24) hour concentration of normal operating flow for more than fifteen (15) minutes and adversely affects the collection system and/or the performance of the wastewater treatment works.

Storm Drain - ("storm sewer" or "building storm drain" or "public storm drain") shall

mean a conduit for conveying stormwater, groundwater, subsurface water, or unpolluted water from any source.

Suspended Solids - shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

Town - shall mean the Town of Bedford, Massachusetts or any duly authorized officer, agent, or representative of the Town of Bedford.

Unpolluted Water - is water of quality equal to or better than the treated effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sewers and wastewater treatment facilities provided.

Users - shall include all persons connected to the Town of Bedford sewer system whether resident within the Town, or not, and all users of MWRA (see "MWRA").

Wastewater - shall mean the used water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with any groundwater, surface water, and stormwater that are not admitted intentionally.

Wastewater Facilities - shall mean the structures, equipment, and processes required to collect, transport, and treat domestic and industrial wastes and dispose of the effluent.

Wastewater Treatment Works - shall mean an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "wastewater treatment facility" or "water pollution control facility."

Watercourse - shall mean a natural or artificial channel for the passage of non-wastewater either continuously or intermittently.

51.4 When Bills for Sewer Charges are to be Sent Out, etc.

The Director of Public Works shall cause to be made out and placed in the hands of the Bedford Treasurer/Collector, bills for such charges at least twice in each year, and at the same time shall cause to be sent to the persons from whom such sewer charges are due a notice stating the amount due for payment thereof. The Director of Public Works shall also cause to be kept in suitable books the names of all persons from whom such sewer charges are payable, the name and number of the street, and the amount charged.

51.5 Sewer Charges – Payable

Such sewer charges shall be payable on or before the date published on each bill, and shall bear the assigned interest from said date, if they are not paid within 30 days after issuance.

51.6 Rates for Use of Public Sewer

The Selectmen shall establish a schedule of rates for use of the public sewer. In addition to all other betterment assessments and fees provided for in this bylaw, the Town shall charge each owner or designated tenant of a building or dwelling unit using the Town sewer system such fees as are in effect.

51.7 Assessment on Uniform Unit Method

The Town, through its Selectmen acting as the Sewer Commissioners, shall assess owners of land abutting a sewer line installed by the Town at a rate based upon a

uniform unit method. Such assessments shall be made regardless of whether an owner makes a connection to the sewer line. As used in this bylaw, the terms "uniform unit method," "sewer unit," "general benefit facilities," and "special benefit facilities" shall have the same meanings as set forth in M.G.L., C. 83, § 15.

51.8 Application/Inspection Fee

Residential	$ 200/unit
Non-Residential	$1,000/service
Replacement/Repair/Abandonment	$ 200/service

Such fees will apply to all new connections to the public sewer system and to rebuilding, repairing, replacing or abandoning existing connections, and shall be paid at the time of application.

51.9 Betterment Unit Cost

The betterment assessment made under this bylaw shall be $5,000.00 per sewer unit.

51.10 Calculation of Assessment

Existing sewer units shall be calculated with respect to existing buildings or any building for which a building permit has been issued as follows:

a) Each single family residence shall be assessed as one sewer unit.

b) Each dwelling unit in a multiple family building shall be assessed as one sewer unit. As used herein, the term "multiple family building" shall include, without limitation, apartment houses, complexes, townhouses, condominiums, and other buildings or groups of buildings containing more than one single family dwelling unit.

c) Each building not used for residential purposes shall be assessed for the total number of sewer units produced by the following formula:

One sewer unit for the first 10,000 square feet or fraction of gross building floor area; one additional sewer unit for each additional 10,000 square feet or fraction of gross building floor area, up to a maximum of 50,000 square feet; and one additional sewer unit for each additional 25,000 square feet or fraction of gross building floor area in excess of 50,000 square feet.

51.11 Collection of Assessments

The provisions of the Massachusetts General Laws relative to the assessment, apportionment, division, re-assessment, abatement, and collection of sewer assessments, and collection of sewer assessment liens and interest, shall apply to assessments made under this bylaw. The Bedford Treasurer/Collector shall have all of the powers conveyed by the Massachusetts General Laws.

51.12 Connection in Lieu of Betterment

If a private developer or person other than the Town constructs sewer facilities in an approved subdivision, the Town shall charge a connection fee in lieu of a betterment assessment against each lot in such subdivision in an amount equal to one-half the amount that would have been assessed under Section 52.9. The assessments shall be made at the time of the installation of the sewer facilities.

51.13 New Connections

Where any property not previously bettered is connected to the public sewer, the Town shall charge a connection fee for one sewer unit in an amount equal to the betterment assessment under Section 52.9.

51.14 I/I Mitigation Fee

All new connections to the municipal sanitary system or changes in use that have an expected increase in wastewater discharge shall be charged a one-time I/I fee in

accordance with the following fee schedule:

(Title 5 (310 CMR 15) shall be used to determine flow rates.)

Use	Required Fee
Residential	
Less than 2,201 gallons per day (20 bedrooms)	No Fee
Non-Residential	
Less than 2,201 gallons per day	$10.00/gallons per day
Residential/Non-Residential	
2,201 gallons per day – 50,000 gallons per day	$10.00/gallons per day

Residential/Non-Residential
Greater than 50,000 gallons per day - Applicant must remove four (4) gallons of I/I from the sewer for each one (1) gallon of wastewater flow requested in the permit. If DEP requires a different removal ratio, then the larger of the two (2) ratios shall be used. Any I/I removed from the sewer system as part of the I/I Mitigation Fee shall be the property of the Town of Bedford and may not be applied to future removal requirements without the written authorization of the Director.

51.15 Undeveloped Land

Potential sewer units with respect to undeveloped land shall be calculated as set forth in Section 52.10 based upon the maximum number and size of buildings that could be built on such land under the Zoning Bylaw then in effect, assuming no further subdivision of such land. However, the potential sewer units with respect to land having frontage on the street or way in which the sewer is installed shall be calculated on the basis of the number of lots into which such land could be divided without approval of the Planning Board.

51.16 Building Sewers and Installation

No person shall uncover (excavate), connect or cause to be connected to, or make any opening into, use, alter, or disturb any building sewer, public sewer, or appurtenances thereof except by written permit from the Director of Public Works. The permit shall be obtained in accordance with the current regulations. Any person proposing a new discharge into the public sewer or a substantial change in the volume or character of pollutants that are being discharged into the public sewer shall submit plans and calculations for the connection, and, except for entities regulated by the Department of Public Utilities (DPU) or the Department of Telecommunications and Cable (DTC), stamped by a Massachusetts Registered Professional Engineer in accordance with these regulations. A permit must also be obtained for any repair work to existing building sewers.

Permits are not transferable and are valid for ninety (90) days from the date of issue. If no work commences within said ninety day period, a new permit must be obtained as described above.

For non-residential building sewers, the Director may require any or all of the following:

A. Limits on rate, time, and characteristics of discharge or requirements for flow regulation and equalization;
B. Installation of inspection, flow measurement, and sampling facilities, including access to such facilities;
C. Monitoring programs which may include flow measurement, sampling, chemical and biological testing, recording of data, and a reporting schedule;
D. Any other conditions as deemed appropriate by the Director to ensure compliance with these regulations and with applicable requirements of federal or state law.

The Director may require an evaluation of a proposed sewer connection to assess the impact the additional flow or characteristics of the pollutants would have on the public sewer and, except for entities regulated by the Department of Public Utilities (DPU) or the Department of Telecommunications and Cable (DTC), and such evaluation shall be performed by a Massachusetts Registered Professional Engineer selected by the Director. The cost of said evaluation shall be borne by the applicant. A permit application may be denied if the additional flow is determined to have an adverse effect on the public sewer. The applicant shall make all recommended improvements to accommodate the proposed connection.

A separate and independent building sewer shall be provided for every building or dwelling unit except where one building stands at the rear of another on the same lot or a duplex condo unit. In this case, the front building sewer may be extended to the rear building and this shall be considered as one building sewer. No such connection shall be made without a connection permit. Any connection made without such a permit shall be discontinued and any fees paid shall be forfeited. The Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

Existing building sewers shall not be used in connection with new building sewer construction, except by written permission of the Director. New building sewers shall include a watertight connection to the public sewer.

Building sewers shall be of such size and material as the department shall determine on each application and built in accordance with department sewer construction standards. The building sewer shall be furnished and installed by a competent contractor who has been approved by the Director. The connection of the building sewer to the public sewer shall conform to the requirements of these regulations and the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures as set forth in appropriate specifications of the American Society of Testing Materials (ASTM), the Water Pollution Control Federation (WPCF) Manual of Practice No. 7 “Operation and Maintenance of Wastewater Collection Systems,” WPCF Manual of Practice No. FD-5, the American Society of Civil Engineers (ASCE) Manuals and Reports in Engineering Practice No. 60 “Gravity Sanitary Sewer Design and Construction,” and WPCF Manual of Practice No. FD-4 “Design of Wastewater and Stormwater Pumping Stations” shall apply. All such connections

shall be made gastight and watertight, and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Director before installation. Non-approved material will be required to be removed and replaced at the expense of the applicant.

Whenever possible, the building sewer shall be installed to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, the wastewater carried by such building drain shall be pumped by an approved means and discharged to the building sewer or public sewer. Shop drawings of proposed pumping equipment must be submitted for approval by the Director.

A proper manhole or clean-out must be installed at any change in the line or grade of a building sewer. A manhole must be installed if the sewer is longer than 100 feet. The manhole shall conform to department construction standards.

The applicant for the building sewer permit shall notify the Director when the sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Director, and no backfilling shall be permitted until all appropriate inspections are made. If the appropriate inspections are not completed, the Director may require an internal television inspection of the service connection or may require re-excavation of the building sewer. Any defects in the service shall be repaired prior to discharging wastewater.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Any person who, during the installation of a sewer connection, shall excavate or otherwise disturb the roadway and/or sidewalk shall obtain a street opening permit and trench permit from the department prior to the commencement of the work. A performance bond of $5,000 or the cost of restoring said roadway and/or sidewalk to its prior condition, whichever is greater, shall be required before a permit is granted. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored to its original condition in a manner satisfactory to the Director. The bond amount shall be determined by the Director.

The DPW reserves the right to shut off the public sewer for the purpose of making alterations or repairs.

No person shall make connection of roof downspouts, foundation drains, sump pumps, area drains, or other sources of surface runoff or groundwater to a building sewer or building drain, which in turn is connected directly or indirectly to the public sewer. Any persons found discharging said sources shall be subject to penalties as set forth in Section 52.21 of these regulations. The removal and rerouting of any of these types of sources shall be completed in accordance with the Department of Public Works.

The DPW reserves the right to internally inspect building sewers and internal building plumbing prior to the time of transfer of title. Inspection shall be performed to ensure

the building sewer is in compliance with Town Bylaws and that illegal connections (e.g. sump pumps) to the sewer system do not exist. Any defects in the building sewer shall be repaired at the owner's sole expense. Any repairs made to building sewers shall be done in accordance with Section 52.16. The Director shall inspect and approve all repair methods and repairs in accordance with Department of Public Works standards.

51.17 Use of the Public Sewers

No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, surface water, groundwater, roof or surface runoff, subsurface drainage, uncontaminated cooling water, unpolluted industrial process waters, non-contact cooling water, or non-contact industrial process waters to any public sanitary sewer.

No person shall discharge or cause to be discharged substances, materials, waters, or wastes if it appears likely, in the opinion of the Director, that such wastes can harm either the sewers, sewage treatment process, maintenance personnel, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance.

Unless otherwise stated herein, the provisions of 360 CMR 10 and any supplementary revisions shall govern all discharges to the sanitary sewer system.

A grease interceptor shall be installed in the waste line leading from sinks, drains, or other fixtures where grease can be introduced to the sewer system if, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing floatable oils and greases in excessive amounts.

Grease interceptors shall be properly sized and approved by the Director. Approved grease removal methods shall be within an interior automatic grease removal unit or a properly sized external underground tank complete with a passive point-of-use grease trap.

A manhole or other sampling part shall be installed on the discharge line of the grease trap for sampling of the grease trap effluent. Sampling shall be performed to ensure compliance with MWRA regulations.

Grease interceptors shall be equipped with devices to control the rate of water flow through the interceptors so that the flow rate does not exceed the rated design flow of the interceptors.

The waste from food and waste grinders shall not discharge to the sewer system through a grease interceptor.

The use of water-cooled grease interceptors is prohibited.

In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal, by appropriate means, of the captured material, and shall maintain records of the dates and means of disposal. These records shall be submitted

to the Director annually. Licensed waste disposal firms must perform any removal and handling of the collected materials.

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

All industries discharging into a public sewer shall perform such monitoring of their discharges as the Director and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records, and reporting the results of such monitoring to the Director. Such records shall be made available, upon request by the Director, to other agencies having jurisdiction over discharges to the receiving waters.

51.18 Protection from Damage

No person(s) shall maliciously, willfully, wantonly, intentionally, or negligently break, damage, destroy, uncover, deface, or tamper with the structures, mains, or other appurtenances or equipment which is a part of the sewerage system or wastewater facilities or public storm drain. Any person(s) violating this provision shall be subject to all civil or criminal penalties as provided by Massachusetts General Laws or these regulations.

51.19 Powers and Authority of Inspectors

The Director and other duly authorized employees or agents of the Town bearing proper credentials and identification shall be permitted to enter, at reasonable times, all private properties connected with public sewers for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the wastewater facilities in accordance with the provisions of these regulations and consistent with state law and applicable constitutional requirements.

The Director or other duly authorized employees or agents are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater facilities.

While performing the necessary work on private properties, the Director or duly authorized employees or agents of the Town shall observe all safety rules applicable to the premises established by the companies.

51.20 Validity

The invalidity of any section, clause, sentence, or provisions of these regulations shall not affect the validity of any other part of these regulations, which can be given effect without such invalid part or parts.

51.21 Penalties

In addition to penalties provided under 360 CMR 2.00, any person found to be violating any provision of this bylaw shall be served by the Town with written notice stating the nature of the violation and a reasonable time limit for satisfactory correction.

Any person who shall continue any violation beyond the time limit provided shall be subject to enforcement of noncriminal penalties, as provided in M.G.L. Chapter 40, Section 21D by the Director of Public Works or his or her designee. The penalty for such violation shall be $100 for the first offense and $100 for each subsequent offense. Each day in which any such violation shall continue shall be deemed a separate offense.

Any person violating any of the provisions of this bylaw shall be liable to the Town for any expense, loss, or damage caused to the Town by reason of such violation.

All penalties, fines, or fees related to Article 52, Sewer System, shall be collected as described in Section 52.11 of this article, Collection of Assessments.

ARTICLE 52. WATER SYSTEM

The Town of Bedford Water Department was established by Chapter 121 of the Acts of 1907. It operates under M.G.L. Ch. 40, §38 through 42I, as amended. The regulations are defined in 310 CMR 22.00, Drinking Water Regulations. The Town became a member of the Massachusetts Water Resources Authority (MWRA) Waterworks Division in 1993, and is subject to additional regulations promulgated by the MWRA.

52.1 Purpose

The purpose of the Town of Bedford water system is to provide a public potable water supply to the inhabitants and businesses of the Town.

52.2 Operating authority

The Department of Public Works, acting for the Selectmen, is responsible for the construction, operation, and protection of all aspects of the water system. The Department shall have the authority to interpret the various rules and regulations in a manner consistent with furnishing and protecting a safe public water supply.

52.3 Water rates

The Selectmen shall establish a schedule of rates for the use of water. The rates shall be reasonable, and may include costs of production, maintenance, modification, improvement, and extension of the system.

52.4 Ancillary water system operations

The Selectmen shall establish a schedule of fees for all activities performed by the Town on behalf of users. These fees shall be reasonable, and cover the costs to the town for new or modified connections, inspection, testing, and other activities incidental to operation of the system, including parts of the water system on a user's property.

52.5 Cross-connection control

The owner shall protect the water system from contamination by cross-connections as provided in the most recent update of 310 CMR 22.22, and as directed by the Department of Public Works.

All commercial, industrial, and institutional users shall install either:
a reduced pressure backflow device, or a double check valve assembly that has been approved by the Commonwealth based on the degree of hazard. The device shall be installed at the point of connection, *i.e.*, immediately downstream of the water meter, and at all locations where the Department of Public Works requires protection.

Where a private well exists on a property served by the public supply, there shall be neither a physical connection, nor provisions for such a connection, between the two systems. A minimum air gap of six inches (150 mm) shall separate the two systems.

52.6 Water emergencies

The Selectmen shall have the authority to declare an emergency when necessary because of supply or other problems with the system. The Department shall notify all users of the emergency and any restrictions on use or other issues. The Director of Public Works, or designee, shall impose a civil penalty if a user does not comply with these restrictions after notice. The Selectmen shall establish these penalties and may include suspension of water service.

52.7 Water service

Application for the use of water or modification of service shall be made to the Department of Public Works. The application shall be signed by the owner of the property, or an authorized agent.

The fee established by the Selectmen shall be paid for all new or modified connections. Owners shall, at their expense, supply the necessary labor and material for the connection to the Town's water supply. All materials, trenching and connections, including those on the owner's property, shall be inspected and approved by the Department of Public Works or its agent.

All water facilities on private property downstream of the curb stop are the responsibility of the owner. The owner shall repair all leaks between the curb stop and the meter promptly. The Department of Public Works shall adjust the meter readings to recover the estimated quantity of lost water if the repairs are not made promptly.

The Town reserves the right to shut off the water supply to make alterations and repairs after notice.

There shall be a continuous length of copper pipe from the water meter to an outside sill cock for the purposes of providing continuity so that the Water Division can locate the buried water service.

52.8 Water metering

All water services shall be metered. One 5/8 inch meter per dwelling unit, industrial, or commercial property, shall be maintained, repaired, or replaced as necessary, by the Department of Public Works or its agent. Remote meter reading devices and their appurtenances are considered part of the water meter and may be connected to the water meter by the Department of Public Works or its agent. All residential meters shall be nominal 5/8 inch size. All meters larger than 5/8 inches shall be replaced and tested for accuracy by the owner according to the following schedule:

Meter Size (inches)	**Testing Frequency** (years)	**Replacement Age** (years)
3/4	Manufacturers Certificate	20
1	Manufacturers Certificate	20
2 1/2	5	20
3	5	20
4	4	20
5	3	30
6	2	30
7 and over	1	30

Testing shall be in accordance to American Water Works Association standards. Certificates of accuracy by meter testing companies acceptable to the Department of Public Works shall be submitted to the Director of Public Works on the applicable schedule. When a meter's accuracy is less than acceptable standards, it shall be repaired or replaced in no less than 30 days for meters up to and including two inches and in no less than 60 days for meters over two inches. If the meter is not repaired or replaced within the specified time, the Department of Public Works shall adjust the meter readings based on estimated consumption.

All water meters, connections, and their location shall be inspected and approved by the Department of Public Works. When an additional water meter is desired for either (a) an additional approved dwelling unit, or (b) outdoor use, the owner may request approval for the additional meter. If approved, the property owner shall, at the owner's expense, supply the necessary water meter, connections, and installation.

The Department of Public Works or its agents shall have access to premises supplied with water to examine, read, repair, or replace meters at any reasonable time. A meter shall not be changed, altered, disconnected or disturbed in any manner by anyone other than an authorized agent of the Department of Public Works.

The owner shall provide the water meter, connection and installation for all new water services. This shall include any additional water meters at any dwelling unit, or commercial or industrial property. The owner of the property shall be legally responsible for all water use charges. If a bill is not paid on a timely basis, the water to the premises may be shut off and/or a lien attached to the property.

ARTICLE 53. RIVERS

53.1 No motorboat shall be operated upon any portion of the Concord River within the Town in a manner which endangers the safety of the public or is detrimental or injurious to the neighborhood or to the value of property thereon.

53.2 It shall be prima facia evidence of the violation of this Bylaw if such boat is operated by a motor not having an underwater exhaust, or in a noisy or obnoxious manner, or at any unreasonable rate of speed, or without slowing down and exercising due caution

while approaching and passing persons bathing or any other watercraft, or at any speed in excess of ten miles per hour.

53.3 The Town may join with any other town, through which said Concord River flows, in enforcement of this Bylaw or a similar Bylaw adopted by such other Town insofar as such Bylaws relate to said river and may appropriate money for the enforcement in whole or in part of any and all such Bylaws.

ARTICLE 54. WETLANDS PROTECTION BYLAW

54.1 Purpose

The purpose of this bylaw is to protect the wetlands, related water resources, and adjoining land areas in the Town of Bedford by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution, fisheries, wildlife habitat, state-listed rare plant species, recreation, aesthetics, and agriculture values (collectively, the "wetland values protected by this bylaw").

54.2 Jurisdiction

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon, or alter the following resource areas: within 100 feet of any freshwater wetland, marsh, wet meadow, bog, swamp or vernal pool; within 100 feet of any bank or beach; within 100 feet of any lake, river, pond, or stream; and land under said waters; or within 100 feet of any land subject to flooding or inundation by groundwater or surface water.

54.3 Exceptions

The applications for Determination of Applicability and Notice of Intent required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that the structure or facility is not substantially changed or enlarged, provided that written notice has been given to the Conservation Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Conservation Commission.

The applications for Determination of Applicability and Notice of Intent required by this bylaw shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof, provided that advance notice, oral, or written, has been given to the Conservation Commission prior to commencement of work or within 24 hours after commencement, provided that the Conservation Commission or its agent certifies the work as an emergency project, provided that the work is performed only at the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency, and provided that within 21 days of commencement of an emergency project an application for a Notice of Intent shall be filed with the Conservation Com-

mission for review as provided in this bylaw. Upon failure to meet these and other requirements of the Conservation Commission, the Conservation Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than stated in this section the exceptions provided in the Wetlands Protection Act, G.L. c. 131, Sec. 40, shall not apply.

54.4 Applications for Determinations of Applicability and Notices of Intent

Written application shall be filed with the Conservation Commission to perform activities regulated by this bylaw affecting resource areas protected by this bylaw. The application shall include such information and plans as are deemed necessary by the Conservation Commission to describe proposed activities and their effects on the resource area. No activities shall commence without receiving and complying with either a negative Determination of Applicability or Order of Conditions issued pursuant to this bylaw.

Any person desiring to know whether or not proposed activity or an area is subject to this bylaw may in writing request a Determination of Applicability from the Conservation Commission. Such a request for Determination of Applicability shall contain data and plans specified by the regulations of the Conservation Commission.

The Conservation Commission in an appropriate case may accept as the application for Determination of Applicability and plans under this bylaw, the Request for Determination of Applicability and plans filed under the Wetlands Protection Act, G.L. c. 131, Sec. 40.

Any person proposing activity in a resource area regulated by this bylaw shall file in writing a Notice of Intent with the Conservation Commission. Such a Notice of Intent shall contain data and plans specified by the regulations of the Conservation Commission.

The Conservation Commission in an appropriate case may accept as the application of Notice of Intent and plans under this bylaw, the Notice of Intent and plans filed under the Wetlands Protection Act, G.L. c. 131, Sec. 40.

At the time of an application for Determination of Applicability and Notice of Intent the applicant shall pay a filing fee specified in the regulations of the Conservation Commission. This fee is in addition to that required by the Wetlands Protection Act, G.L. c. 131, Sec. 40.

The Conservation Commission may waive the filing fee and costs and expenses for an application or request filed by a government agency and shall waive them for a request for Determination of Applicability filed by a person having no financial connection with the property which is the subject of the request.

Upon receipt of a Notice of Intent or Request for Determination of Applicability under the Bylaw, the Commission is authorized to require an applicant to pay a fee for the reasonable costs and expenses borne by the Commission for specific expert

engineering and other consultant services deemed necessary by the Commission to come to a final decision on the application. This fee is called the consultant fee. The specific consultant services may include but are not limited to resource area survey and delineation, analysis of resource area values and impacts thereto, including wildlife habitat evaluations, hydro geological and drainage analysis, and environmental or land use law.

The Commission may require the payment of the consultant fee at any point prior to the close of the public hearing or during its deliberations prior to a final decision. The consultant fees shall be deposited into an account established pursuant to G.L. c. 44, s. 53E or s. 53E1/2, if the Town has established either account. The Commission may draw upon any such account for specific consultant services approved by the Commission at one of its public meetings.

The exercise of discretion by the Commission in making its determination to require the payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision with respect to compliance with the Bylaw.

The Commission shall return any unused portion of the consultant fee to the applicant. Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provisions of the Massachusetts General Laws.

The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to the following schedule:

Project Cost		Maximum Fee
Up to -	$100,000	No Fee
$100,001-	$500,000	$2,500
$500,001 -	$1,000,000	$5,000
$1,000,001-	$1,500,000	$7,500
$1,500,001-	$2,000,000	$10,000

Each additional $500,000 project cost increment (over $2,000,000) may be charged at an additional $2,500 maximum fee per increment.

The project cost means the estimated, entire cost of the project including, but not limited to design engineering, building construction, site preparation, landscaping, and all site improvements, but excluding land acquisition. If the project has been subject to MEPA review the project cost shall be the "Approximate Cost" stated on the Environmental Notification Form. The project shall not be segmented to avoid being subject to the consultant fee. The applicant shall submit estimated project costs at the Commission's request, but the lack of such estimated project costs shall not avoid the payment of the consultant fee.

54.5 Notice and Hearings

The Conservation Commission shall conduct a public hearing on any application for Determination of Applicability or Notice of Intent. Notice of the time, place and subject matter 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 the Town of Bedford. Notice shall be mailed to the applicant and when the applicant is other than the owner, the application, the notice of the hearing and the determination itself shall be sent to the owner.

The Conservation Commission shall commence the public hearing within 21 days from receipt of a completed application for Determination of Applicability or Notice of Intent.

The Conservation Commission shall issue its Determination of Applicability or Order of Conditions in writing within 21 days of the close of the public hearing thereon.

The Conservation Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act, G.L. c. 131, Sec. 40.

The Conservation Commission shall have authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant, deemed necessary by the Conservation Commission in its discretion, or comments and recommendations of boards and officials of the Town of Bedford. In the event that the applicant objects to a continuance or postponement, the hearing shall be closed and the Conservation Commission shall take action on such information as is available.

54.6 Determinations of Applicability and Orders of Conditions

After a Determination of Applicability public hearing, the Conservation Commission shall issue a Determination of Applicability within 21 days of the close of the hearing.

If the Conservation Commission after a Notice of Intent public hearing determines that the activities which are the subject of the application for Notice of Intent are not likely to have a significant or cumulative effect upon the wetland values protected by this bylaw, the Conservation Commission, within 21 days of the close of the hearing, shall make a determination that the proposed work will not alter the area subject to protection under this bylaw.

If the Conservation Commission after a Notice of Intent public hearing determines that the activities which are the subject of the application for Notice of Intent are likely to have a significant or cumulative effect upon the wetland values protected by this by-law, the Conservation Commission, within 21 days of the close of the hearing, shall issue an Order of Conditions for the activities proposed. If the Conservation Commission issues an Order of Conditions, it shall impose conditions which it deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Conservation Commission; failure to meet the design specifications, performance standards, and other requirements in regulations of the Conservation Commission; failure to avoid or prevent unacceptable significant or cumulative effects upon the wetland values protected by this bylaw; and where no conditions are adequate to protect those values.

An Order of Conditions shall expire three years from the date of issuance. Any permit may be renewed once for an additional one year period, provided that a request for a renewal is received in writing by the Conservation Commission at least 30 days prior to expiration.

For good cause the Conservation Commission may revoke or modify a permit issued under this bylaw after public notice and public hearing, and written notice to the holder of the permit.

The Conservation Commission in an appropriate case may combine the Determination of Applicability or Order of Conditions issued under this bylaw with the corresponding Determination of Applicability or Order of Conditions issued under the Wetlands Protection Act, G.L. c. 131, Sec. 40.

54.7 Regulations

After public notice and public hearing the Commission shall 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.

As a minimum these regulations shall define key terms in this bylaw not inconsistent with this bylaw.

54.8 Definitions

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 agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents or assigns.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

(a) Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any kind;

(b) Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or 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, including, but not limited to bituminous material and concrete;
(e) Placing of fill, or removal of material, which would alter elevation;
(f) Driving of piles, erection or repair of buildings, or structures of any kind;
(g) Placing of obstructions or objects in water;
(h) Destruction of plant life including cutting of trees;
(i) Destruction of wildlife habitats or state-listed rare plant species;
(j) Changing water temperature, biochemical oxygen demand, or other physical, biological, or chemical characteristics of water;
(k) Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater.

Except as otherwise provided in this bylaw or in regulations of the Commission, the definition of terms in this bylaw shall be as set forth in the Wetlands Protection Act, G.L. c. 131, Sec. 40, and the Regulations, 310 CMR 10.00.

54.9 Security

As part of an Order of Conditions issued under this bylaw, in addition to any security required by any other municipal or state board, agency, or official, the Conservation Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

(a) By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Conservation Commission;
(b) By a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Bedford, whereby the Order of Conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

54.10 Enforcement

The Conservation Commission, its agents, officers, and employees shall have authority to enter upon privately owned land after notification to the landowner for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, surveys or sampling as the Conservation Commission deems necessary.
The Conservation Commission shall have authority to enforce this bylaw, its regulations, Determinations of Applicability and Orders of Conditions issued thereunder by violation notices, administrative orders, and civil and criminal court actions.

Upon written request of the Conservation Commission, the Board of Selectmen is authorized to take legal action for enforcement under civil law. Upon written request of the Conservation Commission the chief of police is authorized to take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Conservation Commission in enforcement.

Any person who violates any provision of this bylaw, regulations thereunder, Determinations of Applicability or Orders of Conditions issued thereunder, shall be punished by a fine of not more than $300.00. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations, Determination of Applicability or Order of Conditions shall constitute a separate offense.

In the alternative to criminal prosecution the Conservation Commission may elect to utilize the noncriminal disposition procedure set forth in G.L. c. 40, Section 21d.

54.11 Burden of Proof

The applicant for a Determination of Applicability shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application is not within the jurisdiction of this bylaw.

The applicant for a Notice of Intent shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable, significant, or cumulative effect upon the wetland values protected by this bylaw.

Failure to provide adequate credible evidence to the Conservation Commission supporting the burden of either an application for Determination of Applicability or Notice of Intent shall be sufficient cause for the Conservation Commission to deny the application.

54.12 Relation to the Wetlands Protection Act

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and Home Rule statutes, independent of the Wetlands Protection Act, G.L. c. 131, Section 40, and regulations thereunder.

54.13 Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

ARTICLE 55. STORMWATER MANAGEMENT

SECTION 1. Purpose.

A. Increased and contaminated stormwater runoff associated with developed land, illicit discharges to the municipal storm drain system, and soil erosion and sedimentation are known to cause:
   1. Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands, and ground water;
   2. Contamination of drinking water supplies;

3. Erosion of stream channels;
4. Alteration and destruction of aquatic and wildlife habitat;
5. Flooding; and
6. Overloading or clogging of municipal storm drain systems.

B. The objectives of this bylaw are to regulate illicit connections and discharges to the municipal storm drain system and require practices to control the flow of stormwater runoff from new and redeveloped sites into the Town of Bedford's municipal separate storm sewer system (MS4) in order to:
   1. Prevent pollutants from entering into and discharging from the Town of Bedford's MS4;
   2. Prohibit illicit connections and unauthorized discharges to the MS4;
   3. Require the removal of all such illicit connections to the MS4;
   4. disturbance activities;
   5. Ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process;
   6. Prevent flooding;
   7. Promote infiltration of stormwater to recharge ground water;
   8. Encourage the use of low impact development techniques such as reducing impervious cover and the preservation of green space and other natural areas, to the maximum extent practicable and allowable under the Town of Bedford Rules and Regulations Governing the Subdivision of Land;
   9. Protect ground water and surface water from pollution and degradation;
   10. Control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at a construction site;
   11. Ensure adequate operation and maintenance of structural stormwater best management practices so they work as designed, both long-term and during construction;
   12. Comply with state and federal statutes and regulations relating to stormwater discharges; and
   13. Establish the Town of Bedford's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

SECTION 2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this bylaw.

Additional terms that apply to issuance of a Stormwater Permit established by this bylaw shall be defined and included as part of the Rules and Regulations promulgated and, from time to time, amended under Section 7 of this bylaw, a copy of which is available at the office of the Stormwater Agency and the office of the Town Clerk.

Terms not defined in this bylaw, said Rules and Regulations or pertinent statutes shall be construed according to their customary and usual meaning.

The following terms are defined in the Massachusetts Wetlands Regulations (310 CMR 10.00): Environmentally Sensitive Site Design, Low Impact Development (LID) Techniques, Maintenance of a Stormwater Management System, Redevelopment, Stormwater Best Management Practice, Stormwater Management System, and Surface Waters.

Alter shall mean any activity, which will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns, including but not limited to "alteration of drainage characteristics," and "conducting land disturbance activities."

Applicant shall mean any person, individual, partnership, association, organization, firm, company, trust, corporation, agency, authority, department or political subdivision of the commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person who has filed an application for a Stormwater Permit.

Approval Not Required (ANR) shall mean a plan of land that does not require approval under the Subdivision Control Law of Massachusetts (Massachusetts General Laws, Chapter 41, Sections 81K through 81GG).

Clean Water Act shall mean the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

Common Plan of Development (or **Common Plan**) shall mean any announcement or documentation (including but not limited to a contract, public notice or hearing, advertisement, drawing, plan, or permit application) or physical demarcation (including but not limited to boundary signs, lot stakes, survey or marking) indicating imminent or future plans to disturb earth regardless of how many phases or how long it will take to complete.

Under this bylaw, a facility is ***no longer considered a common plan*** if the following criteria are met:

a) The original plan, including modifications, was substantially completed with less than one acre of the original common plan remaining (i.e., less than 1 acre of the common plan was not built out at the time); **and**
b) There was a clearly identifiable period of time (2 years or more) where there was no ongoing construction, including meeting the criteria for final stabilization.

Discharge of Pollutants shall mean the addition of any Pollutant or combination of Pollutants into the MS4 or into the waters of the United States or the waters of the Commonwealth, from any source.

Ground Water shall mean water below the land surface in a saturated zone, including perched ground water.

Illicit Connection shall mean a surface or subsurface drain or conveyance, which allows an illicit discharge into the MS4, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

Illicit Discharge shall mean a direct or indirect discharge to the MS4 that is not entirely comprised of stormwater, except as exempted in Section 5.B of this bylaw.

Impervious Surface or **Impervious Cover (IC)** or **Impervious Area (IA)** shall mean any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.

Infiltration shall mean the act of conveying surface water into the ground to permit ground water recharge and the reduction of stormwater runoff from a project site.

Land Disturbance shall mean any action that causes removal of vegetation clearing (including tree cutting) or that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material. See also **Alter**.

Low Impact Development Techniques shall mean innovative stormwater management systems that are modeled after natural hydrologic features. See 310 CMR 10 for further clarification.

Massachusetts Stormwater Management Standards shall mean the requirements described in the Massachusetts Stormwater Handbook, as they may be amended from time to time, that address water quality (pollutants and/or contaminants) and water quantity (flooding, low base flow and/or recharge) by establishing standards that require the implementation of a wide variety of stormwater management strategies. These strategies include environmentally sensitive site design and LID Techniques to minimize impervious surface and land disturbance, source control and pollution prevention, structural stormwater Best Management Practices, construction period erosion and sedimentation control, and the long-term operation and maintenance of stormwater management systems. The Stormwater Management Standards have been incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.00 and the Water Quality Certification Regulations, 314 CMR 9.00.

Municipal Separate Storm Sewer System (MS4) shall mean a conveyance or system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, municipal street, catch basin, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, ditch, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Bedford.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit shall mean a permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes and regulates the discharge of pollutants into waters of the United States.

Nonpoint Source shall mean any source from which pollution is discharged which is not identified as a point source, including, but not limited to urban, agricultural, or silvicultural runoff.

Non-Stormwater Discharge shall mean a discharge to the municipal storm drain system not composed entirely of stormwater.

Owner shall mean a person with a legal or equitable interest in real property.

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

Pollutant shall mean any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works, ground water, or surface water.

Pollutants shall include without limitation:

(A) paints, varnishes, and solvents;
(B) oil and other automotive fluids;

(C) non-hazardous liquid and solid wastes and yard wastes;
(D) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
(E) pesticides, herbicides, and fertilizers;
(F) hazardous materials and wastes; sewage, fecal coliform and pathogens;
(G) dissolved and particulate metals;
(H) animal wastes;
(I) rock, sand, salt, soils, with the exception of winter salting and sanding in quantities that will not clog or otherwise impair the performance of the MS4 and Stormwater Management Systems;
(J) construction wastes and residues; and
(K) noxious or offensive matter of any kind.

Point Source means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

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

Recharge shall mean the replenishment of underground water reserves.

Stormwater shall mean runoff from precipitation, snow melt, and surface water runoff and drainage.

Stormwater Authority shall mean the Bedford Selectmen. The Stormwater Authority is responsible for adopting Rules and Regulations to support this bylaw.

Stormwater Agency shall mean the Bedford Department of Public Works, its employees or designated agents. The Stormwater Agency shall be responsible for day-to-day administration, implementation, and enforcement of this bylaw. The Stormwater Agency shall be the Stormwater Permit granting authority.

Stormwater Best Management Practice shall mean a structural or nonstructural technique for managing stormwater to prevent or reduce non-point source pollutants from entering surface waters or ground waters. A structural stormwater best management practice includes a basin, discharge outlet, swale, rain garden, filter or other stormwater treatment practice or measure either alone or in combination including without limitation any overflow pipe, conduit, weir control structure that:

a) is not naturally occurring;
b) is not designed as a wetland replication area; and
c) has been designed, constructed, and installed for the purpose of conveying, collecting, storing, discharging, recharging or treating stormwater.

Nonstructural stormwater best management practices include source control and pollution prevention measures, as defined in 310 CMR 10.00.

Stormwater Management System means a system for conveying, collecting, storing, discharging, recharging or treating stormwater on-site including stormwater best management practices and any pipes and outlets intended to transport and discharge stormwater to the

ground water, a surface water or a municipal separate storm sewer system, as defined in 310 CMR 10.00.

Stormwater Permit shall mean a permit issued by the Stormwater Agency after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

Surface Waters shall mean all waters other than ground water within the jurisdiction of the Commonwealth including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, and coastal waters, as defined in 310 CMR 10.00.

Surface Water Discharge Permit shall mean a permit issued by the Department of Environmental Protection (MassDEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants into waters of the Commonwealth of Massachusetts.

Toxic Material or **Hazardous Material** or **Waste** shall mean any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Watercourse shall mean a natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

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

SECTION 3. Authority.

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

SECTION 4. Responsibility for Administration.

The Bedford Selectmen are hereby designated as the Stormwater Authority. The Stormwater Authority is responsible for adopting Rules and Regulations to support this bylaw.

The Bedford Department of Public Works, its employees or designated agents, are hereby designated as the Stormwater Agency. The Stormwater Agency is responsible for day-to-day administration, implementation, and enforcement of this bylaw. The Stormwater Agency shall be the Stormwater Permit granting authority.

SECTION 5. Illicit Connections and Discharges to the Municipal Storm Drain System.

A. Prohibited Activities.

1. Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into a stormwater management system, the Town of Bedford MS4, into a watercourse, surface water, or ground water.
2. Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

3. Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the flow of stormwater into or out of the MS4 without prior written approval from the Stormwater Agency.

B. Exemptions.

The following non-stormwater discharges or flows are allowed without the need for consultation with the Stormwater Agency provided that the source is not a significant contributor of Pollutants to the MS4.

1. water line flushing,
2. landscape irrigation,
3. diverted stream flows,
4. rising ground waters,
5. uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)),
6. uncontaminated pumped ground water,
7. discharge from potable water sources,
8. foundation drains,
9. air conditioning condensation,
10. irrigation water,
11. springs,
12. water from crawl space pumps,
13. footing drains,
14. lawn watering,
15. individual resident car washing,
16. flows from riparian habitats and wetlands,
17. dechlorinated swimming pool discharges,
18. street wash water,
19. residential building wash waters, without detergents
20. Discharges or flows from firefighting activities, except where they are identified as significant contributors of pollutants to surface waters or ground water.
21. Dye testing, provided verbal notification is given to the Stormwater Agency prior to the time of the test;
22. Non-stormwater discharge permitted under a NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or

MassDEP, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

23. Discharge for which advanced written approval is received from the Stormwater Agency as necessary to protect public health, safety, welfare or the environment.

C. Emergency Suspension of Storm Drainage System Access. The Stormwater Agency may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with such an order, the Stormwater Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

D. Notification of Spills. Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of Pollutants to the MS4, a stormwater management system, surface water, or ground water, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal Fire and Police Departments and the Board of Health, per Town of Bedford General Bylaws, Article 50: Control and Management of Hazardous Materials. In the event of a release of non-hazardous material, the reporting person shall notify the Stormwater Agency no later than the next business day. The reporting person shall provide to the Stormwater Agency written confirmation of all telephone, facsimile, email or in-person notifications within three business days thereafter. If the discharge of pollutants is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the release and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

E. Transitional Provisions. Residential property owners shall have 180 days from the effective date of this bylaw to come into compliance with provisions of this Section provided good cause is shown for the failure to comply with the bylaw during that period. Good cause may constitute, without limitation, a physical or economic barrier to compliance. In any event, the determination of good cause rests solely with the Stormwater Agency.

SECTION 6. Construction and Post-Construction Stormwater Management for New Development and Redevelopment.

A. Scope and Applicability. This section of the bylaw shall be applicable to the following activities:

1. Any activity that results in a land disturbance of one acre or greater within the Town of Bedford; and
2. Any activity that results in a land disturbance less than one acre if the project is part of a larger Common Plan of Development which will disturb one acre or more within the Town of Bedford.

Plans that do not require approval under the Subdivision Control Law, hereafter referred to as "Approval Not Required or ANR lots", and meet one or more of the applicability criteria described herein are subject to the provisions of this bylaw and shall obtain a Stormwater Permit.

For land disturbance activities that are not applicable to this Section of the bylaw, the Town of Bedford encourages consistency with the Performance Standards defined in Section 6.E of this bylaw.

B. Exemptions. No person who meets the applicability of this bylaw shall alter land within the Town of Bedford without having obtained a Stormwater Permit, except the following:

1. Ground disturbances in the course of customary cemetery use and regular maintenance.
2. Maintenance of landscaping, gardens or lawn areas.
3. The construction, reconstruction, or repair of any fence or wall that will not alter the existing terrain or drainage patterns.
4. Normal maintenance or improvement of land in agricultural use as defined by the regulations of the Wetlands Protection Act 310 CMR 10.04 and Massachusetts General Laws, Chapter 40A, Section 3.
5. Any work or projects for which the required permit applications have been submitted to the Planning Board, Zoning Board of Appeals, and/or the Conservation Commission before the effective date of this bylaw. For proposed subdivisions, a Definitive Plan must have been submitted to be considered exempt from this bylaw.
6. Emergency repairs to any stormwater management system or practice: (a) where the unrepaired situation poses a threat to public health or safety as determined by the Stormwater Agency or its authorized agent; (b) or as deemed necessary by the Stormwater Agency or its authorized agent. In any case, the original design location, size, and technology of the stormwater management system must remain the same following the emergency repairs.
7. Construction, reconstruction, operation and maintenance of utilities (including but not limited to gas, water, sanitary sewer, electric, telephone, or cable television) excluding the construction of new MS4, where the surface vegetation and contours of the area shall be substantially restored and are conducted in accordance with an approved Stormwater Pollution Prevention Plan which is prepared in accordance with the Stormwater Rules and Regulations promulgated under Section 7 of this bylaw and on file with the Stormwater Agency.
8. Maintenance and improvement of existing public roadways, when conducted in accordance with an approved Stormwater Pollution Prevention Plan which is prepared in accordance with the Stormwater Rules and Regulations promulgated under Section 7 of this bylaw and on file with the Stormwater Agency.
9. Stormwater discharges resulting from the activities identified in Section 5.A that are subject to jurisdiction under either the Wetlands Protection Act or activities which are subject to the Town of Bedford's Wetlands Protection

Bylaw and demonstrate compliance with the Massachusetts Stormwater Management Standards as reflected in an Order of Conditions issued by the Bedford Conservation Commission.

C. Coordination with Other Town Permits.

1. No Town Earth Removal Permit, Building Permit, Subdivision approval, Special Permit, variance or finding shall constitute compliance with this bylaw. For a project or activity that meets the Scope and Applicability of Section 5.A of this bylaw, no work may commence until the site owner or his agent submits a complete Stormwater Permit application, the Stormwater Agency issues a Stormwater Permit, and the site owner and responsible parties sign and certify that all land clearing, construction, and development will be done pursuant to the approved Plans and Permit.
2. This bylaw is not intended to interfere with, abrogate, or annul any other bylaw, rule or regulation, statute, or other provision of law. The requirements of this bylaw should be considered minimum requirements, and where any provision of this bylaw imposes restrictions different from those imposed by any other bylaw, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.
3. In case of conflicting requirements, applicable state statutes and regulations shall be considered the more restrictive or more protective of human health and the environment, and shall take precedence over the Town of Bedford's Stormwater Bylaw and the Rules and Regulations promulgated thereunder. These state statutes and regulations include, but are not limited to the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Act, the Massachusetts Watershed Protection Act, and the Massachusetts Stormwater Management Standards, as amended.
4. In no instances shall a Stormwater Permit constitute authorization for alteration of wetland resources subject to the jurisdiction of the Wetlands Protection Act and regulations or Article 55 of the Bedford General Bylaws and any regulations issued thereunder.

D. Permit Procedures. Permit procedures and requirements, including permit submittals, right-of-entry, fee schedule, and public hearing process, shall be defined and included as part of the Rules and Regulations promulgated under Section 7 of this bylaw.

E. Performance Standards. Criteria for erosion and sediment control and post-construction stormwater management, including stormwater performance standards, shall be defined and included as part of the Rules and Regulations promulgated under Section 7 of this bylaw. The Stormwater Agency will utilize the Massachusetts Stormwater Management Handbook, as amended from time to time, for criteria and information including specifications and standards for the execution of the provisions of this bylaw. These include a list of acceptable stormwater treatment practices, with specific design criteria for each. Unless specifically altered in this Stormwater Bylaw and Rules and Regulations, stormwater best management practices that are designed, constructed, and maintained in accordance with the Massachusetts Stormwater Management Standards and design and sizing criteria in the Stormwater Management

Handbook shall be presumed by the Stormwater Agency to be protective of Massachusetts water quality standards.

F. Actions by the Stormwater Agency. The Stormwater Agency or its authorized agent shall, within 20 business days of receipt of a complete application, take any of the following actions as a result of an application for a Stormwater Permit as more specifically defined as part of the Rules and Regulations promulgated under Section 7 of this bylaw: Approval, Approval with Conditions, Disapproval, or Disapproval without Prejudice. Failure of the Stormwater Agency to take final action upon an Application within the time specified above shall be deemed to be approval of said Application. Upon certification by the Town Clerk that the allowed time has passed without Stormwater Agency action, the Stormwater Agency must issue a Stormwater Permit.

SECTION 7. Rules and Regulations.

The Stormwater Authority may adopt, and periodically amend, Rules and Regulations relating to the terms, conditions, definitions, enforcement, fees (including application, clerical, inspection, and/or consultant fees), procedures and administration of this Stormwater Bylaw after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least fourteen (14) days prior to the hearing date. After public notice and public hearing, the Stormwater Authority may promulgate Rules and Regulations to effectuate the purposes of this bylaw. Failure of the Stormwater Authority to promulgate such Rules and Regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.

SECTION 8. Waivers.

A. The Stormwater Agency may in its discretion and after due consideration decide to waive and exempt strict compliance with any requirement of the Town of Bedford Stormwater Bylaw or the Rules and Regulations promulgated hereunder, where it makes a written finding that such action is:
    1. Allowed by federal, state or local statutes and/or regulations;
    2. In the public interest; and
    3. Consistent with the purpose and intent of the Town of Bedford Stormwater Bylaw and its Rules and Regulations.

B. Additional criteria and procedures for obtaining a waiver may be defined and included as part of the Rules and Regulations promulgated under Section 7 of this bylaw.

SECTION 9. Enforcement.

A. The Stormwater Agency shall enforce this bylaw and resulting Rules and Regulations, orders, violation notices and enforcement orders, and may pursue all criminal and civil remedies, including injunctive relief and monetary damages and costs of litigation and attorney fees, for such violations and for abatement and mitigation and compliance actions taken by the Stormwater Agency.

B. Orders. The Stormwater Agency may issue a written order to enforce the provisions of this bylaw or the Rules and Regulations thereunder, which may include:

1. elimination of illicit connections or discharges to the MS4;
2. performance of monitoring, analyses, and reporting;
3. that unlawful discharges, practices, or operations shall cease and desist;
4. remediation of Pollution in connection therewith; or
5. restoration of any unpermitted alterations to land

a. If the Stormwater Agency or agent determines that abatement, remediation or restoration is required, the order shall set forth a deadline by which such abatement, remediation, or restoration must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation or restoration within the specified deadline, the Town may, at its option, undertake such work, and the expenses thereof shall be charged to the violator.

b. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation or restoration, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with Stormwater Agency or its agent within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Stormwater Agency or its agent affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien to be recorded on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, 57 after the thirty-first day at which the costs first become due.

C. Civil Relief. If a person violates the provisions of this bylaw, Rules and Regulations, or any permit, notice, or order issued thereunder, the Stormwater Agency or its agent may seek injunctive relief in a court of competent jurisdiction restraining the person from ongoing violations, any activities which would create further violations or compelling the person to perform abatement or remediation or restoration of the violation.

D. Criminal Penalty. In accordance with the Town of Bedford General Bylaws Article 1.4, any person who violates any provision of this bylaw, resulting Rules and Regulations, or order or permit issued thereunder, may be ordered to correct the violation and/or shall be punished by a fine of not more than $300.00 per day for each day of violation, excluding the cost of damages. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

E. Noncriminal Disposition. As an alternative to criminal prosecution or civil action, the Bedford Department of Public Works, its employees or designated agency, may elect to utilize the noncriminal disposition procedure set forth in M.G.L. Ch. 40, §21D for enforcement of this bylaw. The penalty for first and subsequent violations shall be $300.00 per day for each day of violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

F. Entry to Perform Duties under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Stormwater Agency, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and Regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Agency or its agent deems reasonably necessary to determine compliance with a permit issued under this bylaw.

G. Appeals. The decisions or orders of the Stormwater Agency or its agent shall be final. Further relief shall be to a court of competent jurisdiction pursuant to M.G.L Ch. 249, §4.

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

I. Enforcement may be further defined and included as part of the Rules and Regulations promulgated under Section 7 of this bylaw.

SECTION 10. Severability.

The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

ARTICLE 56. TAX DEFERRAL FOR RENOVATED HISTORIC PROPERTIES

56.1. Creation of a Special Property Tax Assessment

A special property tax assessment is created for substantial rehabilitation of owner-occupied residential property listed on the State Register of Historic Places (State Register). The increase in assessed value resulting from substantial rehabilitation of eligible properties shall be phased in one-fifth increments over a period of five (5) years to the full assessed value of the property. The special assessment shall extend only to the building(s) or structure(s) that are rehabilitated.

56.2. Eligible Properties

In order to be eligible for the special assessment property must meet the following criteria:

a. The property to be rehabilitated must be occupied by the owner exclusively for residential purposes and be listed on the State Register which is maintained by the Massachusetts Historical Commission (MHC) pursuant to M.G.L. Ch. 9, Section 26C, either individually or as a contributing element within an historic district.

b. The cost of rehabilitation, as that term is defined in 950 C.M.R- 72.04, must be no less than 25% of the assessed value of the property prior to rehabilitation. Not less than 10% of the cost of rehabilitation shall be dedicated to rehabilitation of the exterior of the historic building.

c. The property owner must present to the Assessor a certificate from the MHC stating that the proposed rehabilitation meets the Secretary of the Interior's Standards.

56.3 Application Process

The following requirements listed in subsection I (a-d) are the minimum information required by 950 C.M.R- 72.08(3).

(1) **Property Owner**: A property owner must submit an application, on a Rehabilitation Eligibility form provided by the Assessor. The property owner is responsible for the following information on the Rehabilitation Eligibility form:
   (a) certification from the MHC that the rehabilitation as proposed meets the Secretary of the Interior's Standards;
   (b) proof of the applicant's ownership and occupancy of the subject property; and
   (c) the total cost of certified rehabilitation, with cost breakdown for interior and exterior structure rehabilitation.

(2) **Assessors:** Within 60 days of receipt of a completed Rehabilitation Eligibility form, the Assessor shall determine whether the proposed rehabilitation meets the eligibility criteria set forth in Section 2, and will notify the owner of its decision via an Eligible Project Certificate.

(3) **Property Owner**: No later than two (2) years after completion of the rehabilitation, the property owner shall provide to the Assessor a certification that the completed work conforms with the proposed rehabilitation and meets the Secretary of the Interior's Standards. The owner shall obtain such certification from the MHC, or from the Historic Preservation Commission if the property is in an historic district or is a designated landmark, or is otherwise subject to a preservation restriction or bylaw.

(4) **Assessors:** The Assessor will grant final approval of the special assessment upon receipt of the certification described above.

56. 4 Effective Date of Special Assessment

The special assessment will take effect on the first day of the next fiscal year after the completed work certification is received by the Assessors.

56.5 Time Limits

(1) An owner shall apply for the special assessment no later than two (2) years after completion of the rehabilitation certified by the MHC.

(2) In order to be included in the total cost of rehabilitation as defined in 950 C.M.R. 72.04, all rehabilitation work must be completed within a three (3) year period.

56. 6 Other Provisions

The following provisions outline policies for ensuring that the owner who receives the special assessment maintains the property in the manner intended by the enabling legislation.

(1) An owner who applies for the special assessment shall agree in writing to maintain the subject property in accordance with the Secretary of the Interior's Standards for the duration of the special assessment. Failure to maintain the property in accordance with the Secretary of the Interior's Standards for the agreed period of time shall result in revocation of the special assessment. In the event that the Historic Preservation Commission informs the Assessor that the owner has failed to maintain the subject property in accordance with the Secretary of the Interior's Standards, the Assessor shall notify the owner in writing and the owner shall have 30 days in which to demonstrate that the

property has been maintained in accordance with the Secretary of the Interior's Standards or, if not, to remedy such failure.

(2) An owner who receives the special assessment shall annually, for the duration of the special assessment,
   (a) provide the Assessor with written certification that he or she still owns and occupies the property which is the subject of the special assessment,
   (b) provide the Assessor with certification from the MHC, or from the Historic Preservation Commission if the property is in an historic district, that the property continues to be in compliance with the Secretary of the Interior's Standards and that the subject property is still listed on the State Register.

(3) The date of any of the following occurrences shall terminate the special assessment:
   (a) written notice from the owner to the Assessors requesting removal of the special assessment;
   (b) failure to provide certification of compliance with the Secretary of the Interior's Standards;
   (c) sale or transfer of ownership during the five (5) year period, except in the course of probate proceedings; or
   (d) removal of the property from the State Register.

ARTICLE 57. DEMOLITION DELAY

57.1. Intent and Purpose

This Bylaw is enacted for the purpose of preserving and protecting significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the Town and to limit the detrimental effect of demolition on the character of the Town. Through this Bylaw, owners of preferably preserved buildings are encouraged to seek out alternative options that will preserve, rehabilitate or restore such buildings, and residents of the town are alerted to impending demolition of significant buildings. By preserving and protecting significant buildings, this Bylaw promotes the public welfare by making the town a more attractive and desirable place in which to live and work and better protects the community character found in the buildings, streetscapes and neighborhoods of the town. To achieve these purposes, the Historic Preservation Commission is authorized to advise the Building Inspector with respect to demolition permit applications. The issuance of demolition permits is regulated as provided in this Bylaw.

57.2 Definitions

The following terms, when used in this Bylaw, shall have the meanings set forth below, unless the context otherwise requires.

"**Applicant**" - Any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.

"**Application**" - An application for the demolition of a building.

"**Building**" - Any combination of materials forming a shelter for persons, animals or property.
"**Building Inspector**" - The person occupying the office of Building Inspector or otherwise authorized to issue demolition permits.
"**Commission**" - The Bedford Historic Preservation Commission
"**Demolition**" - Any act of pulling down, destroying, removing, dismantling or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.
"**Demolition Permit**" - The permit issued by the Building Inspector for demolition of a building, excluding a demolition permit issued solely for the demolition of the interior of a building. Such permit is subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations.
"**Preferably Preserved**" - Any significant building which the Commission determines, following a public hearing, that it is in the public interest to be preserved or rehabilitated rather than to be demolished. A preferably preserved building is subject to the twelve-month demolition delay period of this Bylaw.
"**Significant Building**" - Any building within the town which has been determined to be significant based on any of the following criteria:

a) The building is listed on, or is within an area listed on, the National Register of Historic Places; or
b) The building, or area within which it is located, has been found eligible for the National Register of Historic Places; or
c) The building, or area within which it is located, is recommended for listing in the National Register of Historic Places, based on the Community-wide Historic Properties Survey, June 1998; or
d) The building is listed on an Inventory provided to the Building Inspector by the Commission, following a public hearing, based on its historical or architectural significance either by itself or in the context of a group of buildings.

57.3 Exclusions

The following are categorically excluded from action under this Bylaw:

a) Buildings, additions and outbuildings completed on or after January 1, 1943. If a building is of an unknown age, it shall be assumed that the building was completed prior to January 1, 1943 for purposes of this Bylaw;
b) Buildings within the Bedford Historic District, established under Chapter 118 of the Special Acts of the Legislature of 1964, as amended. Such buildings are regulated under that Act.

57.4 Procedure

No demolition permit for a significant building shall be issued without following the provisions of this Bylaw.

An applicant proposing to demolish a building subject to this Bylaw shall file with the Building Inspector an application containing the following information:

* The address of the building to be demolished;
* The owner's name, address and telephone number;
* A description of the building;

* The reason for requesting a demolition permit;
* A brief description of the proposed reuse, reconstruction or replacement; and,
* A photograph or photograph(s) of the building.

The Building Inspector shall within seven (7) days forward a copy of the application to the Commission. The Commission shall within fifteen (15) days after receipt of the application, make a determination of whether the building is significant.

Upon a determination by the Commission that the building is not significant, the Commission shall so notify the Building Inspector and applicant in writing. The building Inspector may then issue the demolition permit.

Upon a determination by the Commission that the building is significant, the Commission shall so notify the Building Inspector and the applicant in writing. No demolition permit may be issued at this time. If the Commission does not notify the Building Inspector within the specified time period, the Building Inspector may issue the demolition permit.

If the Commission finds that the building is significant, it shall hold a public hearing within thirty (30) days of its written notification to the Building Inspector. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in town for a period of not less than seven (7) days prior to the date of said hearing. The Commission shall decide at the public hearing or within fourteen (14) days after the public hearing whether the building shall be preferably preserved. If agreed to in writing by the applicant, the determination of the Commission may be postponed and/or the public hearing may be continued to a later date.

If the Commission determines that the building is not preferably preserved, the Commission shall so notify the Building Inspector and applicant in writing. The Building Inspector may then issue the demolition permit.

If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Inspector and applicant in writing. No demolition permit may then be issued for a period of twelve (12) months from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Inspector within twenty-one (21) days of the public hearing, the Building Inspector may issue the demolition permit.

Upon a determination by the Commission that any building which is the subject of an application is a preferably preserved building, no building permit for new construction or alterations on the premises shall be issued for a period of twelve (12) months from the date of the determination unless otherwise agreed to by the Commission.

No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Inspector and have been found to comply with all laws pertaining to the

issuance of a building permit or if for a parking lot, a certificate of occupancy for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

The Building Inspector may issue a demolition permit or a building permit for a preferably preserved building within the twelve (12) months if the Commission notifies the Building Inspector in writing that:

a) the Commission finds that the intent and purpose of this Bylaw is served even with the issuance of the demolition permit or building permit; or,
b) the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building; or,
c) the Commission is satisfied that the owner has made continuing bona fide and reasonable efforts over the preceding twelve months to locate a purchaser to preserve, rehabilitate and restore the subject building and that such efforts have been unsuccessful.

Following the twelve (12) month delay period, the Building Inspector may issue the demolition permit.

57.5 Administration

The Commission may adopt such rules and regulations as are necessary to administer the terms of this Bylaw. The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a municipal employee. The Commission may develop a list of significant buildings that will be subject to this Bylaw. Buildings proposed for addition to the significant buildings list shall be added following a public hearing.

57.6 Emergency Demolition

Nothing in this Bylaw shall be construed to derogate in any way from the authority of the Building Inspector derived from Chapter 143 of the General Laws. However, before acting pursuant to that chapter on a building subject to this Bylaw, the Building Inspector shall make every reasonable effort to inform the Commission of his or her intentions to cause demolition before initiating such action.

57.7 Enforcement and Remedies

The Commission and/or the Building Inspector are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this Bylaw or to prevent a threatened violation thereof.

Any owner of a building subject to this Bylaw that demolishes the building without first obtaining a demolition permit in accordance with the provisions of this Bylaw shall be subject to a fine of not more than Three Hundred Dollars ($300.00). Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is completed or unless otherwise agreed to by the Commission.

If a building subject to this Bylaw is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless otherwise agreed to by the Commission.

57.8 Historic District Act

Nothing in this Bylaw shall be deemed to conflict with the provisions of Chapter 118 of the Special Acts of the Legislature of 1964, which established the Bedford Historic District Commission (HDC), or of the provisions of the Historic Districts Act, Massachusetts General Laws (MGL), Chapter 40C. If any of the provisions of this Bylaw do so conflict, the legislative acts shall prevail.

Following a determination that a significant building is preferably preserved, the Commission may recommend to Town Meeting that the building be protected through the establishment of a local historic district. The steps required under MGL, Chapter 40C or required to further amend Chapter 118 of the Special Acts of 1964 shall be followed prior to establishment of such protection.

57.9 Severability

In case any section, paragraph or part of this Bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

ARTICLE 58. SALARY ADMINISTRATION PLAN BYLAW

This Bylaw hereby establishes a Salary Administration Plan, hereinafter called the "Plan", classifying the several positions in the Town service into groups, establishing salary schedules, establishing so-called "fringe" or "indirect pay" provisions such as holidays and vacations with pay, sick leave and the like and establishing the Town Manager's authority to administer the Plan as hereinafter provided.

SECTION 1. Classification Schedule

The positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special, casual, Civil Service or any others, other than those positions filled by popular election, those under the direction and control of the School Committee, are hereby classified by titles in the groups listed in the "Classification and Wage Schedule" as set forth in Section 26 of this Bylaw.

SECTION 2. Titles of Positions

No person shall be appointed, employed or paid as an employee in any position subject to the provisions of the Salary Administration Plan under any title other than those of the Classification Schedule or under any title other than that of the job the duties of which are actually performed. The job title in the Classification Schedule of the Plan shall be the official title for all purposes having to do with the position and shall be used to designate the position in all payrolls, budget estimates and official reports and in every other connection involving personnel and fiscal processes.

SECTION 3. New or Changed Positions

Whenever a new position is established, or the duties of an existing position are so changed that a new level of work demand exists and in effect a new position is created, upon presentation of substantiating data satisfactory to the Town Manager, he or she shall rate such new or changed position and allocate it to its appropriate group and establish the rate range therefor.

SECTION 4. Reclassification of Employees
No employee may be reclassified to a job in another group, either higher or lower, until the Town Manager has determined such a reclassification will be consistent with the provisions of the Salary Administration Plan.

SECTION 5. Job Descriptions and Interpretations
The Town Manager or his/her designee shall maintain written job descriptions of the jobs or positions in the Classification Schedule of the Plan, each consisting of a statement describing the essential nature of the work characteristics of the position that distinguish the position from other positions. The description for any position shall be construed solely as a means of identification and not as prescribing what the duties or responsibilities of any position shall be, or as modifying, or in any way affecting, the power of any administrative authority, as otherwise existing to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

SECTION 6. Salary Schedule
The Salary Schedule of the Salary Administration Plan set forth in Section 25 of this Bylaw shall consist of the maximum and minimum salaries, step-rate salaries, or single rate salaries for the groups and positions in the Classification Schedule. The salary range of a group shall be the salary range for all positions classified in such group.

Irrespective of the period of time for which pay rates may be shown in the Salary Schedule, all employees shall continue to be paid on an hourly, weekly, monthly or other basis as at present unless otherwise authorized by the Town Manager or by amendment of the Salary Administration Plan.

SECTION 7. Salary Rates Above Maximum
Any salary rate which is above the maximum rate for a job, as established by this Salary Administration Plan, shall be deemed to be a personal rate and apply only to the incumbent. When such incumbent leaves the employ of the Town, or is transferred to another job, or a new maximum higher than the personal rate is established, the personal rate shall disappear. No other employee assigned to or hired for such job shall advance beyond the maximum of the job.

SECTION 7a. Overtime Pay

(a) A full-time employee* will receive one and one-half (1-1/2) times his regular hourly rate of pay for the following:
   (1) All work in excess of the regularly scheduled hours in one work day.
   (2) All work performed on Saturday (except employees under continuous service operations described in paragraph "c" below).
   (3) All work performed on holidays

(b) A full-time employee* will receive one and one-half (1-1/2) times the regular hourly rate of pay for all work performed on Sunday, except a full-time employee of the Public Works Department will receive two times the regular hourly rate of pay for all work on Sunday (except employees under continuous service operations described in paragraph "c" below).

(c) A full-time employee* whose work assignment falls under the continuous service category will be paid one and one-half (1-1/2) times his regular hourly rate of pay for authorized work on the sixth and seventh consecutive day of his regular weekly schedule, except a full-time employee* of the Public Works Department will be paid two (2) times the regular hourly rate of pay for authorized work on the seventh consecutive day of the regular weekly schedule.

(d) Overtime shall not be pyramided.

(*Except those professional and administrative positions designated as not being eligible for overtime pay on the classification and wage schedule.)

SECTION 8. ADJUSTMENT POLICIES

(a) Every employee subject to this plan who is in the continuous full-time service of the Town, computed from the date of his or her employment, and who has a satisfactory performance record, shall be eligible annually, one year from the date of the latest increase, for consideration for advance to the next higher step-rate, but not more than one step-rate in any one twelve- month period until the maximum for his or her job is reached, subject to the approval of his or her department head and the Town Manager. Any employee denied such an increase has the right of appeal to the Town Manager who shall confer with both the employee and the Department Head. All adjustments shall be approved in advance by the Town Manager.

(b) Regular part-time employees for whose positions step-rates are provided shall be eligible for consideration for increases on the same basis as provided for full-time personnel in clause (a) of this section. Special, casual and other part-time personnel for whose positions there is a single rate shall not be eligible for step-rate increases.

SECTION 8a. Longevity

All permanent full-time employees and permanent part-time employees hired prior to May 1, 2000 who regularly work not less than one-half the normal work week shall be entitled to additional compensation for longevity which shall be added to their regular rate in recognition of continuous length of service with the Town in accordance with the following schedule:

5 but less than 10 years	2%
10 but less than 15 years	4%
15 but less than 20 years	6%
20 or more years	8%

All permanent full-time employees and permanent part-time employees hired on or after May 1, 2000 shall not receive additional compensation for longevity.

SECTION 9. Transfers and Promotions

(a) When an employee is promoted to a higher rated job, he shall enter it at the next higher rate in the applicable step-rate classification.

(b) If the Department Head should feel that there should be a trial period before recommending a promotional one step-rate increase, on recommendation of the Department Head, the Town Manager may approve such a deferred promotional increase at the conclusion of the trial period, except that this provision shall not apply to those employees covered by a collective bargaining agreement in which case said agreement shall govern.

(c) If an employee is transferred to a lower rated job, he shall enter it at his own rate or at the maximum rate for the job, whichever is the lower, provided the Town Manager approves. The employee shall have the right of appeal to the Town Manager and to be heard thereon. The right of appeal to the Town Manager shall not apply to those employees covered by a collective bargaining agreement in which case the collective bargaining agreement as to appeal shall govern.

SECTION 10. New Personnel

(a) The hiring rate shall be the minimum of the rate range of the job for which the new employee is hired unless otherwise authorized by the Town Manager. Department Heads shall notify the Town Manager of the hiring of all new personnel and their hiring rates.

(b) For new regular full-time and new regular part-time personnel, the first three months of employment shall be a probationary period. At the expiration of an additional three months the employee may advance one step-rate provided the Department Head and the Town Manager decide his or her performance warrants it. Otherwise he or she shall be eligible for consideration after one year of continuous full-time service. This probationary step-rate increase shall apply only at the start of employment.

SECTION 11. Department Budgets

Each Department Head shall include in the annual budget a pay adjustment section to provide funds for anticipated pay adjustments during the ensuing year, expenditures to be made therefrom only in accordance with the Salary Administration Plan with the approval of the Town Manager. No adjustment shall be effective or paid unless, or until, sufficient funds are available therefore.

SECTION 12. Holidays with Pay

(a) Official holidays of the Town of Bedford shall be as follows:

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Columbus Day
President's Day	Veterans Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day Following Thanksgiving
Independence Day	Christmas Day

When a holiday falls on a permanent full time or permanent part time employee's regularly scheduled work day, said employee shall receive one day of paid leave at their regular daily rate of pay. To be eligible for such holiday pay, an employee shall have worked or satisfactorily presented himself for work on the regularly scheduled work day next following the holiday.

(b) For the purposes of this section, a permanent part-time employee shall be considered an employee who works at least half the normal full-time work week. Other regular part-time employees and temporary or seasonal part-time employees shall not be eligible for holiday pay.

(c) Employees whose regular work schedule is Monday through Friday, who are authorized to work on a paid holiday, shall be paid at one and one-half times the employee's straight time hourly rate.

(d) Employees whose work assignment falls under the continuous operation category shall receive a compensatory day off or eight hours of pay at his straight time rates in lieu of holiday, said compensatory day off having been pre-arranged and mutually agreed to between the employee and the Department Head. Should an employee whose work assignment falls under the continuous operation category be required to work on his pre-arranged and mutually agreed to compensatory day off, he shall be paid time and one-half for the time worked on said compensatory day.

(e) In the event that any of the said holidays fall on Saturday or Sunday, the Town Manager shall designate as a substitute for the holiday either Friday preceding or the Monday following.

SECTION 12a. Personal Leave

(a) In any fiscal year full-time permanent employees and permanent part-time employees who regularly work not less than one-half the normal week will be granted two days leave to conduct personal business for which they will be paid their regular hourly rate in accordance with the number of hours the employee normally works.

(b) Should additional personal business leave be necessary, a Department Head, at his or her discretion, may grant such additional leave, but such additional leave will be deducted from the employee's vacation.

(c) Personal business leave, except in cases of emergency, shall be requested prior to the date of the absence.

SECTION 13. Vacations with Pay

(a) Employees who have been in the full-time continuous service of the town less than five years shall be entitled to earn vacation leave with pay at a rate of ten (10) days each year.

(b) Employees who have been in the full-time continuous service of the Town more than five years as of their employment anniversary date shall be entitled to earn vacation leave with pay at a rate of fifteen (15) days each year.

(c) Employees who have been in the full-time continuous service of the Town more than ten years as of their employment anniversary date shall be entitled to earn vacation leave with pay at a rate of twenty (20) days each year.

(d) Employees who have been in the full-time continuous service of the Town more than twenty years as of their employment anniversary date shall be entitled to earn vacation leave with pay at a rate of twenty-five (25) days each year.

(e) Vacation leave shall be accrued each pay period prorated from the annual rate.

(f) Vacations shall be granted by the Department Head at such time as, in their opinion, will cause the least interference with the performance of the regular work of their department. So far as practicable first choice as to vacation dates shall be on the basis of length of employment with the Town. An employee may carry forward to the next fiscal year up to one-half of his annual vacation leave. Any vacation leave carried forward must be taken in the year to which it is carried.

(g) If, in the opinion of the Department Head, there are unusual circumstances which warrant it, an employee may, upon request, continue at work and receive vacation pay in lieu of his or her vacation subject to approval by the Town Manager and provided funds are available.

(h) In the event of termination of employment, the employee shall be paid or be entitled to time off with pay for any accumulated vacation.

(i) Details of vacation policies and procedures shall be prepared and established under the direction of the Town Manager. The Town Manager may also approve vacations with pay for regular part-time employees who work on the average of not less than one-half the normal work week.

SECTION 14. Sick Leave

(a) All regular full or part-time employees who regularly work not less than one-half of the normal work week shall be entitled to sick leave, with pay (prorated in accordance with the number of hours the employee works per week) accumulated at the rate of one and one-quarter work days per month (fifteen work days per year).

(b) Employees who, through sickness, are absent from employment for a period of more than two days shall be required to present a doctor's certificate to their Department Head stating reason and period of time employee will be absent from his or her work. The above section is not to be construed by any employee or Department Head as relating to time off for any sickness caused by overindulgence in alcohol or narcotics or by his or her misconduct.

(c) All regular full-time employees who have accumulated a maximum one hundred twenty days of sick leave may be entitled to draw additional days of sick leave up to one hundred days for sickness or disability beyond one hundred twenty days from a reserve in a sick leave bank. The reserve in said bank shall be made up of all regular full-time employees' days of sick leave accumulated beyond the maximum of one hundred twenty days. Administration of this plan shall be by the Town Manager. (ATM 3-12-73)

(d) Days of sick leave not used by an employee in any given year may be accumulated by him or her without limit. If said employee is retired at any time within the purview of Chapter 32 of the General Laws of the Commonwealth of Massachusetts or resigns from employment after twenty-five or more years of creditable service, he or she shall be paid one day's salary for every four days of sick leave accumulated, said payment to be at the rate in effect at the time of the employees' retirement or resignation. (ATM 5-5-75)

SECTION 15. Workmen's Compensation

An employee who, by reason of an industrial accident, receives statutory compensation may receive in addition the amount necessary to make up his or her regular weekly compensation, up to a period not exceeding six months for any one accident. In the interest of uniform procedure throughout the Town, the approval of the Town Manager shall be required for any such payments of additional compensation. In case of a more extended disability, the case may be reviewed by the Town Manager, and if it is felt that the circumstances of the individual case warrant such supplementary payments, the Town Manager may so authorize, except that this provision shall not apply to those employees covered by a collective bargaining agreement, in which case said agreement shall govern.

SECTION 16. Leaves of Absence

Leaves of absence for valid reasons may be granted by a Department Head but shall be without compensation. For the purposes of seniority, absences of over 12-months' duration, except for military leave for active duty, shall be considered a break of employment and on return to work the employee shall have the status of a new employee, unless an extension of leave has been authorized by the Town Manager in advance upon recommendation of the Department Head.

SECTION 17. Military Leaves

Employees in the Federal or State military reserve forces shall be granted a military leave of absence for the period, not to exceed two weeks, or any required, temporary military service and shall be paid in an amount equal to their normal pay, less any amount paid for said military service by the Federal or State Government.

SECTION 18. Veterans' Funerals

Veterans in the employment of the Town shall be entitled to necessary time off with pay to attend services in the Town for any deceased veteran of the Town. The amount of time off to be prescribed by all Department Heads.

SECTION 18a. Funerals

An employee shall be granted bereavement leave without loss of pay as follows:

1. In the event of the death of a spouse or child of an employee - 4 consecutive days.
2. In the event of the death of a mother, father, sister or brother of an employee - 3 consecutive days.
3. In the event of the death of grandparents, in-laws, or other members of the immediate household of an employee - 2 consecutive days.

SECTION 19. Jury Duty

If an employee is called to jury duty, he shall receive an amount equal to the difference between his normal compensation and the amount (excluding any travel allowance) received from the court upon presentation of evidence of the amount paid by the court.

SECTION 20. Administration

(a) The Town Manager shall administer the Salary Administration Plan and shall establish such policies, procedures and regulations as he or she deems necessary for the administration of such Plan.

(b) The Town Manager or his/her designee shall maintain records of all employees subject to this plan, including therein such information as he or she deems desirable, said records to be kept by the Town Accountant under the direction of the Town Manager. Department Heads shall furnish such information as shall be requested by the Town Manager. The Town Accountant shall also check on matters covered by the plan and shall bring any deviations to the attention of the Town Manager.

(c) The Town Manager, from time to time, shall review the work of all positions subject to the Salary Administration Plan. Such review shall be so scheduled as to cover all such positions at intervals of not more than three years. The Town Manager may tentatively add a new position to the Classification Schedule or reclassify an existing position to a different group either higher or lower, subject to the subsequent ratification of his or her action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting.

(d) The Town Manager shall, from time to time, review the Salary Schedule and administration policies of the Salary Administration Plan. He or she shall keep informed as to pay rates and policies outside the service of the Town and shall recommend to the Town any action which he or she deems desirable to maintain a fair and equitable pay level.

(e) The Town Manager may, upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Town Manager, authorize an entrance rate higher than the minimum rate for a position and such other variances in the Salary Administration Plan as he or she may deem necessary for the proper functioning of the services of the Town and to effectuate the basic intent of the Plan. No variance shall become effective unless, or until, the necessary funds have been appropriated therefor.

(f) The Town Manager shall make an annual report to the Town, including recommendations on any matters related to the Plan which he or she feels should be considered by the Town.

SECTION 21. Employees and the Town Manager

All employees shall have the right to request an appointment to confer with the Town Manager on any matter which is of interest or concern to them and which is covered by the Salary Administration Plan. As a matter of courtesy to the Department Head, he or she shall be informed in advance of this. One of the duties of the Town Manager shall be to foster mutual understanding and goodwill with the personnel of the Town.

To facilitate this, if any employee should feel aggrieved by the operation of any provision of the Plan, he shall first discuss this with his or her Department Head in a mutual effort to clear up any problems or misunderstanding.

If two weeks after such a conference a satisfactory understanding and solution of the problem has not been reached, then either the Department Head or the employee may take the matter to the Town Manager. The Town Manager shall hear the parties within 30 days. There shall be no discrimination or prejudice by any Department Head against any employee who may take a matter to the Town Manager.

This section shall not apply to those employees covered by a collective bargaining agreement, in which case the provisions of said agreement shall govern.

SECTION 22. Amendment of the Plan
The Salary Administration Plan may be amended in the same manner in which the Town Bylaws may be amended, provided, however, that no amendment to the Plan shall be made until it has been presented by signed petition addressed to and submitted to the Town Manager and acted upon by the Town Manager. Upon receipt of such a written petition, the Town Manager, after giving the petitioners, the heads of the departments and employees affected at least three days' written notice, shall hold a hearing of the parties interested to consider the proposed amendment. If the Town Manager shall fail to act on an amendment so presented within fifteen days after the hearing thereon, the Town Manager shall be deemed to have disapproved the amendment. The petition may then be presented to the Town Meeting for consideration and action, if so desired. The Town Manager may, of its own motion after a similar hearing of or conference with the parties interested, propose an amendment to the Plan.

SECTION 23. Civil Service Law
Nothing in this Bylaw or in the Salary Administration Plan shall be construed to conflict with Chapter 31 of the General Laws.

SECTION 24. Separability Provision
In the event that any provision of this Bylaw or application thereof shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision or application thereof of this Bylaw.

SECTION 25. Classification and Wage Schedule
(Due to the frequency of changes in this schedule, it is not printed here. Instead you are referred to records of the latest applicable Town Meetings).

The rate of pay for all part-time, casual, special, combination and other jobs or positions under the jurisdiction of the Town Manager not otherwise classified in the numbered groups shall continue in effect as shown in the (1971) records of the Town Accountant and/or Town Manager until otherwise adjusted by the Town Manager or by amendment of the Salary Administration Plan.

Amended as of 1/21/14