The General Bylaws

Town of Bedford
Massachusetts

Effective as of March 29, 2022

Table of Contents

Article 1. General 1

1.1 Current bylaws
1.2 Severability
1.3 Suspension, amendment, deletion
1.4 General penalty for violation
1.5 Repeal continues prior or pending action
1.6 Definitions
1.7 Successor authorities
1.8 Rules and regulations
1.9 Charter prevails over these Bylaws
1.10 Prior acceptance of general laws or acts
1.11 Periodic review required

Article 2. Town Elections 2

2.1 Schedule and notice
2.2 Delivery of printed warrant to voters
2.3 Nomination process
2.4 Town Caucus
2.5 Special elections
2.6 Election officials

Article 3. Town Meeting 3

3.1 Call of the Meeting
3.2 Limitations on adjournment
3.3 Notice of adjourned sessions
3.4 Delivery of printed warrant
3.5 Limited to registered voters
3.6 Rules of the Meeting
3.7 Quorum requirements

Article 4. Town Meeting Procedure 4

4.1 Debate Rules
4.2 Motions
4.1.1. Privileged Motions
4.1.2. Subsidiary Motions
4.2.3 Incidental Motions
4.2.4. Main Motions
4.3 Reconsideration
4.3.1. Number of reconsiderations
4.3.2. Notice of intent to reconsider at future meeting
4.3.3. Requirements for voter to move reconsideration
4.4 Amendments
4.4.1. Amendments to amendments
4.4.2. Order of voting on amendments
4.4.3. Amendments to bylaws
4.4.4. Reports to meeting
4.4.5. Acceptance of reports to the meeting
4.4.6. Amendments to articles
4.4.7. Quantum of vote on bylaws and borrowing
4.4.8. Reports and motions in writing
4.4.9. Secret ballot

Article 5. Officers of the Town 7

5.1 Duties and responsibilities
5.2 Limit on number of elective offices held by one person
5.3 Residency required
5.4 Vacancies in elected offices
5.5 Vacancies in appointed offices

5.6 Organization of elected boards and committees
5.7 Appointed boards and committees
5.8 Restrictions on the number of positions
5.9 Annual report
5.10 Town funds
5.11 Public hearings
5.12 Meeting attendance

Article 6. Board of Assessors 9
6.1 Authority
6.2 Membership
6.3 Purpose
6.4 Responsibility

Article 7. Board of Health 10
7.1 Authority
7.2 Membership
7.3 Purpose
7.4 Responsibilities
7.5 Additional Responsibilities
7.6 Noncriminal Method of Disposition

Article 8. Bedford Housing Authority 11
8.1 Authority
8.2 Membership
8.3 Purpose
8.4 Responsibilities

Article 9. Planning Board 12
9.1 Authority
9.2 Membership
9.3 Responsibility

Article 10. School Committee 12
10.1 Authority
10.2 Membership
10.3 Purpose
10.4 Responsibilities

Article 11. Select Board 13
11.1 Authority
11.2 Purpose
11.3 Protect the interests of the Town
11.4 Defend the Town from claims and suits
11.5 Collection of funds due the Town
11.6 Conveyances of land
11.7 Sale of land
11.8 Building numbers
11.9 Establishment of fees
11.10 Charges for documents and copying
11.11 Traffic rules and regulations
11.12 Traffic enforcement on private property

Article 12. Trustees of the Bedford Free Public Library 14
12.1 Authority
12.2 Membership
12.3 Purpose
12.4 Responsibilities

Article 13. Finances 14
13.1 Finance Department
13.1.1 Treasurer
13.1.2 Town Collector
13.1.3 Town Accountant
13.2 Unexpended Balances of Special Articles
13.3 Annual Audit
13.4 Revolving Funds
13.4.1 Expenditure Limitations
13.4.2 Interest
13.4.3 Procedures and Reports
13.4.4 Authorized Revolving Funds

Article 14. Finance Committee 19
14.1 Authority
14.2 Membership
14.3 Responsibilities

Article 15. Capital Expenditure Committee 20
15.1 Authority
15.2 Membership
15.3 Purpose
15.4 Definition of Capital Expenditures
15.5 Duties of the Capital Expenditure Committee

Article 16. Registrars of Voters 21
16.1 Authority
16.2 Membership
16.3 Purpose
16.4 Responsibilities

Article 17. Town Clerk 22
17.1 Authority
17.2 Purpose
17.3 Member of the board of registrars
17.4 Custody of original documents
17.5 Records of land
17.6 Town reports
17.7 Notification of elected and appointed officers
17.8 Records of Town bylaws
17.9 Transmittal of actions and votes
17.10 Vital statistics
17.11 Abstracts of records
17.12 Fees
17.12.1 Births
17.12.2 Filing Business Certificates
17.12.3 Death Certificates
17.12.4 Marriages
17.12.5 Pole Locations, *etc*.
17.12.6 Licenses for explosives and inflammable materials
17.12.7 Raffles and Bazaars
17.12.8 Other

Article 18. Town Counsel 24
18.1 Appointment, compensation
18.2 Purpose
18.3 Deeds, contracts, *etc.*
18.4 Represents the Town in court
18.5 Prosecution
18.6 Limitation on right to make settlement

18.7 Annual report

Article 19. Conservation Commission 25
19.1 Authority
19.2 Membership
19.3 Purpose
19.4 Responsibilities

Article 20. Historic District Commission 25
20.1 Authority
20.2 Membership
20.3 Purpose
20.4 Responsibilities

Article 21. Zoning Board of Appeals 25
21.1 Authority
21.2 Membership
21.3 Responsibility

Article 22. Bedford Housing Partnership 26
22.1 Authority
22.2 Membership
22.3 Purpose
22.4 Responsibilities

Article 23. Municipal Affordable Housing Trust 26
23.1 Authority
23.2 Membership
23.3 Purpose
23.4 Responsibilities

Article 24. Bedford Cultural Council 27
24.1 Authority
24.2 Membership
24.3 Purpose
24.4 Responsibilities

Article 25. Bicycle Advisory Committee 27
25.1 Authority
25.2 Membership
25.3 Purpose
25.4 Responsibilities

Article 26. Community Media Committee 28
26.1 Authority
26.2 Membership
26.3 Purpose
26.4 Responsibilities

Article 27. Community Preservation Committee 28
27.1 Authority
27.2 Membership
27.3 Responsibilities

Article 28. Council on Aging 29
28.1 Authority
28.2 Membership

28.3 Purpose
28.4 Responsibilities

Article 29. Historic Preservation Commission 29
29.1 Authority
29.2 Membership
29.3 Purpose
29.4 Responsibilities

Article 30. Volunteer Coordinating Committee 30
30.1 Authority
30.2 Membership
30.3 Purpose
30.4 Responsibilities

Article 31. Petitioners Advisory Committee 30
31.1 Authority
31.2 Membership
31.3 Purpose

Article 32. Transportation Advisory Committee 30
32.1 Authority
32.2 Membership
32.3 Purpose
32.4 Responsibilities

Article 33. Recreation Commission 31
33.1 Authority
33.2 Membership
33.3 Purpose
33.4 Responsibility

Article 34. Youth and Family Services Committee 31
34.1 Authority
34.2 Membership
34.3 Purpose
34.4 Responsibilities

Article 35. Building Code 32
35.1 Purpose
35.2 Stretch Energy Code

Article 36. Licenses & Permits 33
36.1 Denial, revocation or suspension
36.2 Auctions; Junk and Antique Dealers
36.3 Video games and arcades

Article 37. Noise Regulations 35

Article 38. Sealer of Weighing and Measuring Devices 35
38.1 Authority
38.2 Purpose
38.3 Other

Article 39. Sign Bylaw 35
39.1 Purpose
39.2 Definitions

39.3 Administration and Miscellaneous
Section 1 Permits Required
Section 2 Appeal
Section 3 Enforcement
Section 4 Installation
Section 5 Maintenance
Section 6 Severability
39.4 General Regulations
Section 1 Permitted And Prohibited Signs
Section 2 Residential Zones
Section 3 Business Zones
Section 4 Commercial Zones
Section 5 Industrial Zones
39.5 Illumination
Section 1 Illumination
Section 2 Overspill
Section 3 Hours
Section 4 Movement and Stability
39.6 Special Considerations

Article 40. Subsidized and/or Affordable Housing 50
40.1 Required Reservation of Land
40. 1.A Minimum Area of Land to be Reserved
40. 1.B Location of the Land to be Reserved
40. 1.C. Option in Lieu of Reservation
40. 1.D Exemptions
40.2 Period of Reservation
40.3 Just Compensation
40 4 Maximum Number of Units on Reserved Land

Article 41. Beggars, Solicitors & Peddlers 52
41.1 Definitions
41.2 Registration Required; Registration Information
41.3 Exceptions
41.4 Issuance of Registration Certificate; Carrying and Display of Certificate
41.5 Notice Regarding Solicitation
41.6 Suspension or Revocation of Registration Certificate
41.7 Suspension or Revocation of Registration Certificate Notification
41.8 Misrepresentation Prohibited
41.9 Penalties
41.10 Severability
41.11 Street Vendors

Article 42. Dog Regulations 54
42.1 Definitions
42.2 Registration (Dog Licensing) and Fees
42.3 Kennel Licensing
42.4 Vaccination of Dogs Against Rabies
42.5 Public Nuisances
42.6 Quarantine of a Dog That Bites
42.7 Confinement of Dogs
42.8 Damage Caused by Dogs
42.9 Licensing and Regulation of Vicious Dogs
42.10 Violations and Dispositions
42.11 Severability

Article 43. Landowner Responsibilities 61
43.1 Wells
43.2 Excavations
43.3 Pools

Article 44. Parking Regulations 61
44.1 Fire Lanes
44.2 Handicapped parking spaces

Article 45. Scenic Roads 62
45.1 General
45.2 Definitions
45.3 Designated Roads
45.4 Determination of Applicability
45.5 Filing and Notice Procedure - Destruction of Stone Walls or Portions Thereof
45.6 Filing and Notice Procedure - Substantial Trimming, Cutting Down, or Removal of Trees
45.7 Hearing - Tearing Down or Destruction of Stone Walls or Portions Thereof
45.8 Hearing - Substantial Trimming, Cutting Down, or Removal of Trees
45.9 Emergency and/or Exempt Work
45.10 Enforcement

Article 46. Streets, Sidewalks and Public Property 65
46.1 Acceptance of Streets
46.2 Street opening permit
46.3 Traffic Officer during construction
46.4 Fences
46.5 Prevention of falling snow or ice
46.6 Discharging water
46.7 Throwing objects
46.8 Littering on public property
46.9 Signs on public property
46.10 Clearing of Obstructions on Sidewalks, Placing Snow on Public Way or Town Property
46.11 Driving to cause damage without permit
46.12 Driving where prohibited
46.13 Parking vehicle on sidewalk
46.14 Unauthorized vehicles on public property
46.15 Vehicles obstructing snow removal
46.16 Removal of vehicles obstructing snow removal
46.17 Alcohol
46.18 Public Consumption of Marihuana or Tetrahydrocannabinol
46.18.1 Public Consumption Forbidden
46.18.2 Enforcement
46.19 Disposal site
46.20 Underground utilities
46.21 Bikeway
46.22 Hunting
46.23 Scavenging Prohibition
46.24 Prompt removal of utility poles

Article 47. Fire Prevention 68
47.1 Standards
47.2 Agent of Chief
47.3 Above ground tanks
47.4 Limits on above ground tanks
47.5 Inspection
47.6 Open fire permits
47.7 Requests for service

Article 48. Alarms 69
48.1 Definitions
48.2 Conditions for Interconnection and Direct Connection
48.3 Control and Curtailment of Signals Emitted by Alarm Systems
48.4 False Alarms
48.5 Testing of Equipment
48.6 Enforcement

Article 49. Control and Management of Hazardous Materials 73
49.1 Purpose
49.2 Definitions
49.3 Compliance
49.3.1 Contingency Plan
49.3.2 Training Plan
49.3.3 Annual Review of Contingency Plan and Training Plan
49.4 Compliance Procedures
49.4.1 Application and Renewal Requirements
49.4.2 Interagency Review
49.4.3 Decision Process
49.4.4 Inspection
49.4.5 Variance Process
49.4.6 Confidentiality
49.5 Enforcement
49.6 Administrative Appeal
49.7 Penalties
49.8 Validity and Separability

Article 50. Underground Storage of Liquid Petroleum and Hazardous Substances 79
50.1 Purpose
50.2 Definitions
50.3 Control Standards
50.4 Administration

Article 51. Sewer System 81
51.1 Massachusetts Water Resources Authority
51.2 Administration
51.3 Definitions
51.4 When Bills for Sewer Charges are to be Sent Out, etc.
51.5 Sewer Charges – Payable
51.6 Rates for Use of Public Sewer
51.7 Assessment on Uniform Unit Method
51.8 Application/Inspection Fee
51.9 Betterment Unit Cost
51.10 Calculation of Assessment
51.11 Collection of Assessments
51.12 Connection in Lieu of Betterment
51.13 New Connections
51.14 I/I Mitigation Fee
51.15 Undeveloped Land
51.16 Building Sewers and Installation
51.17 Use of Public Sewers
51.18 Protection from Damage
51.19 Powers and Authority of Inspectors
51.20 Validity
51.21 Penalties

Article 52. Water System 90
52.1 Purpose
52.2 Operating authority
52.3 Water rates
52.4 Ancillary water system operations
52.5 Cross-connection control
52.6 Water emergencies
52.7 Water service
52.8 Water metering

Article 53. Rivers 92

Article 54. Wetlands Protection Bylaw 93
54.1 Authority
54.2 Purpose
54.3 Jurisdiction
54.4 Exceptions, Limited Projects and Variances
54.5 Definitions
54.6 Applications and Fees
54.7 Hearings and Notices
54.8 Presumptions
54.9 Burden of Proof
54.10 Determinations and Orders of Conditions
54.11 Coordination with Other Town Boards or Officials
54.12 Security
54.13 Regulations
54.14 Enforcement
54.15 Severability

Article 55. Stormwater Management 103
55.1 Purpose
55.2 Definitions
55.3 Authority
55.4 Responsibility for Administration
55.5 Illicit Connections and discharges to the Municipal Storm Drain System
55.6 Construction and Post-Construction Stormwater Management for New Development and Redevelopment
55.7 Rules and Regulations
55.8 Waivers
55.9 Enforcement
55.10 Severability

Article 56. Tax Deferral for Renovated Historic Properties 114
56.1 Creation of a Special Property Tax Assessment
56.2 Eligible Properties
56.3 Application Process
56.4 Effective Date of Special Assessment
56.5 Time Limits
56.6 Other Provisions

Article 57. Demolition Delay 116
57.1 Intent and Purpose
57.2 Definitions
57.3 Exclusions
57.4 Procedure
57.5 Administration
57.6 Emergency Demolition
57.7 Enforcement and Remedies
57.8 Historic District Act
57.9 Severability

Article 58. Salary Administration Plan Bylaw 119
58.1 Classification Schedule
58.2 Titles of Positions
58.3 New or Changed Positions
58.4 Reclassification of Employees
58.5 Job Descriptions and Interpretations
58.6 Salary Schedule
58.7 Salary Rates Above Maximum
(a) Overtime Pay
58.8 Adjustment Policies
(a) Longevity
58.9 Transfers and Promotions

58.10 New Personnel
58.11 Department budgets
58.12 Holidays with Pay
(a) Personal Leave
58.13 Vacations with Pay
58.14 Sick Leave
58.15 Workmen's Compensation
58.16 Leave of Absence
58.17 Military Leaves
58.18 Veterans' Funerals
(a) Funerals
58.19 Jury Duty
58.20 Administration
58.21 Employees and the Town Manager
58.22 Amendment of the Plan
58.23 Civil Service Law
58.24 Separability Provision
58.25 Classification and Wage Schedule

Article 59. Plastic Bag Reduction in Business Establishments 127
59.1 Purpose and Intent
59.2 Definition
59.3 Use Regulations
59.4 Enforcement

Article 60. Marijuana establishments 128

Article 61. Energy and Sustainability Committee 128
61.1 Authority
61.2 Membership
61.3 Purpose
61.4 Responsibilities

Article 62. Arbor Resource Committee 129
62.1 Authority
62.2 Membership
62.3 Purpose
62.4 Definitions for purposes of this bylaw
62.5 Responsibilities

Article 63. Patriotic Holiday Committee 129
63.1 Authority
63.2 Membership
63.3 Purpose
63.4 Responsibilities

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 Select Board on any changes at least ten days prior to the presentation at Town Meeting. In the case of further amendments, additions, or deletions, these Bylaws may be renumbered without further action by Town Meeting. The Select Board, after notice and a public hearing, may make grammatical, punctuation or spelling changes that do not alter any meanings, without further action by Town Meeting.

1.4 General penalty for violation

In accordance with M.G.L. Ch 40 Sec. 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.

1.6.1 Acts shall mean the Acts of the Massachusetts Legislature.

1.6.2 M.G.L. shall mean the Massachusetts General Laws. Ch. shall indicate the chapter of the law and Sec. shall indicate the section of the chapter.

1.6.3 Operator shall mean the person having charge or control of a vehicle.

1.6.4 Person shall mean individual, firm, company, association, society, corporation, partnership, group, or any political subdivision of the Commonwealth.

1.6.5 Private way shall mean the area within a roadway layout which has not been accepted by an official Town Meeting vote.

1.6.6 Public Building shall include all buildings belonging to or under control of the Town or any of its departments.

1.6.7 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.

1.6.8 Public Way shall mean the area within the roadway layout which has been accepted by an official Town Meeting vote.

1.6.9 Sidewalk shall include the constructed walkway, or the area along a street which has been routinely used for foot travel.

1.6.10 Street shall include the area within the roadway layout normally used for vehicular travel.

1.6.11 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.

1.6.12 Vehicle shall mean anything constructed and designed to be propelled by power other than muscular power but shall exclude motorized wheel chairs.

1.6.13 Voter shall mean a duly registered voter of this Town.

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, commissions, 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 M.G.L. or Acts. The rules and regulations made by any board, office, committee, or commission shall be consistent with the M.G.L. or Acts, the 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 Town Caucus

The Select Board shall call a Town 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 Select Board 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 Select Board in accordance with M.G.L. C.54 Sec. 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. 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 is a request to reopen debate on a motion previously voted. Rescission overturns a previous affirmative vote, and defeats the motion involved. Both are debatable, but not amenable.

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 except Select Board

According to M.G.L. Ch. 41, Sec. 11, if there is a vacancy in an elected committee or board consisting of two or more members, other than the office of Select Board, the remaining members shall give written notice of the vacancy to the Select Board and Town Clerk within 30 days. The Select Board and the remaining member or members of such board shall jointly fill the vacancy by a roll call vote. The Select Board shall fill the vacancy if the notice is not given within the 30 days specified above. The Select Board 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 by taking the oath of office. The Select Board shall give written notice of the new appointment to the Town Clerk within seven days.

5.4.1 Vacancies in Select Board

In accordance with M.G.L. Ch. 41, Sec. 10, if there is a failure to elect or a vacancy occurs in the office of the Select Board, the remaining Select Board members or member may call a special election to fill the vacancy and shall call such election upon the request in writing of two hundred registered voters of the Town, or twenty percent of the total number of registered voters of the Town, whichever number is the lesser; provided, that such request is filed with them not less than one hundred days prior to the date of the next annual election.

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 them in another capacity for the Town. This restriction may be waived by the Select Board. 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 Sec. 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. Assessors are subject to the oath prescribed by M.G.L. Ch. 41, Sec. 29.

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, Sec. 24 to Sec. 30B, M.G.L. Ch. 59, and M.G.L. Ch. 40, Sec. 56.

The duties of the Board of Assessors shall include, but not be limited to:

6.4.1 The assessment of all real and personal property for tax purposes by review and approval of the required inputs to the Massachusetts Department of Revenue Certification and Revaluation processes

6.4.2 The review and approval of motor vehicle excise taxes

6.4.3 The review and approval of Tax Commitments

6.4.4 The review and approval of the resolution of all property and motor vehicle excise tax abatement requests

6.4.5 The review and approval of the resolution of all tax exemption requests

6.4.6 The presentation of an annual Tax Classification recommendation to the Select Board

6.4.7 The review and setting of the Overlay Reserve and approval of any disbursement from

the Overlay Reserve

6.4.8 The review and approval of appointment and removal recommendations by the Town Manager for the position of Town Assessor

6.4.9 The provision of support to the Town Manager in the supervision of the Assessing Department

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 Sec. 27 - 32 and Ch. 41 Sec. 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 Prohibiting Smoking in Workplaces and Public Places and Regulations Restricting the Sale of Tobacco Products, as provided in M.G.L., Ch. 40, Sec. 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.

7.6.1 Fine Schedule for Violations of Bedford Board of Health Regulations Prohibiting Smoking in Workplaces and Public Places

7.6.1.1 $100 per violation for a person who smokes in an enclosed workplace or one of the following locations:

a. Mobile food units
b. A fifteen-foot (15’) buffer zone of an entranceway to an enclosed workplace in a public building, including municipal buildings, vehicles, and an entranceway accessible to the public, except that this shall not apply to a smoker transiting through such fifteen-foot area nor to a smoker approaching an entranceway with the intention of extinguishing a tobacco product
c. Automobile repair and maintenance establishments
d. Bed and Breakfast, Hotel, and Motel Rooms
e. Membership Associations
f. Nursing Homes
g. Free Standing Kiosks
h. Smoking Bars

i. Retail Tobacco Stores
j. Public Transportation, Bus, and Taxi Waiting Areas
k. Clubs or rooms when used for public meetings
l. Outdoor spaces that have a structure capable of being enclosed by walls or covers, regardless of the materials or the removable nature of the walls or covers. The space will be considered enclosed, when the walls or covers are in place. All outdoor spaces shall be physically separated from an enclosed work space. If the windows, sliding or folding windows or doors, or other fenestrations are opened or otherwise do not prevent the migration of smoking into the work space, the outdoor space shall be considered an extension of the enclosed work space and, therefore, subject to this section
m. Theatrical performances upon a stage or in the course of a professional film production unless permission has been obtained from the Bedford Board of Health
n. Town-owned recreation areas/land including swimming areas, Springs Brook Park, recreational playgrounds, and athletic fields.

7.6.1.2 An owner, manager, or other person in control of a building, vehicle, or vessel who violates the Bedford Board of Health Regulations Prohibiting Smoking in Workplaces and Public Places, in a manner other than by smoking in a place where smoking is prohibited, shall be punished by a fine of:

$100 for the first violation;
$200 for a second violation occurring within two (2) years of the date of the first offense; and
$300 for a third or subsequent violation occurring within two (2) years of the second violation.

7.6.2 Fine Schedule for Violations of the Bedford Board of Health Regulations Restricting the Sale of Tobacco Products by a licensed establishment, permit holder, and/or their business agent

7.6.2.1 In the case of a first violation, a fine of three hundred dollars ($300.00) and the Tobacco Product Sales. Permit shall be suspended for fourteen (14) consecutive business days.

7.6.2.2 In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of three hundred dollars ($300.00) and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.

7.6.2.3 In the case of three or more violations within a thirty-six (36) month period, a fine of three hundred dollars ($300.00) and the Tobacco Product Sales Permit shall be suspended for sixty (60) consecutive business days.

7.6.2.4 In the case of four violations or repeated, egregious violations of this regulation within a thirty-six (36) month period, the Board of Health shall hold a hearing in accordance with subsection 4 of this Regulation and may permanently revoke a Tobacco Product Sales Permit.

ARTICLE 8. BEDFORD HOUSING AUTHORITY

8.1 Authority

The Housing Authority is established under M.G.L. Ch. 121B, Sec 3.

8.2 Membership

The Authority shall consist of five members, one appointed by the Governor of the Commonwealth, three elected for five-year terms at the Annual Town Election, and one appointed by the Select Board as a Tenant Board Member pursuant to M.G.L. Ch. 121B, Sec. 1 for a five-year term.

8.3 Purpose

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

8.4 Responsibilities

The Authority shall administer various state sponsored programs, such as those provided in M.G.L. Ch. 121B Sec. 34-37 (Veterans and Family Housing), Sec. 38-40 (Elderly and Handicapped Housing) and Ch. 689 of the Acts of 1974, as amended (Special Needs 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 Sec. 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 Select Board, 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. SELECT BOARD

11.1 Authority

The Select Board shall be the chief executive body of the Town. It shall have all of the powers possible for Select Boards to have under the M.G.L., Acts and Charter and Bylaws, including powers not specifically set forth in the Charter or these Bylaws.

11.2 Membership

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

11.3 Purpose

The Select Board is the chief 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 M.G.L., Acts, the Charter, or these Bylaws.

11.4 Responsibilities

The Select Board's responsibilities shall include but are not limited to the following:

11.4.1 The Select Board 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) Public Utilities including water, wastewater, stormwater, sewerage, and sewage disposal
(e) School and Library grounds
(f) Town Recycling Center (former landfill)
(g) Refuse and garbage collection and disposal
(h) Trees on Town property
(i) Drainage structures affecting the Town

11.4.2 The Select Board shall make any rules and regulations required for the operation, construction, maintenance, and repairs of Town facilities and functions.

11.4.3 The Select Board shall protect the interests of the Town. The Select Board may appear either personally or be represented by the Town Counsel, or by special counsel, before any court, or any state 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.

11.4.4 The Select Board shall defend the Town from claims and suits and shall take necessary steps to defend all claims and suits brought against the Town. The Select Board shall have authority to engage additional counsel, and it may settle at its 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.

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

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

11.4.7 The Select Board 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. The Select Board may execute, acknowledge, and deliver on behalf of the Town all papers necessary to effectuate any such sale.

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

11.4.9 The Select Board shall determine and establish all fees for permits issued by it or its appointed officers unless otherwise specified in the Massachusetts General Laws.

11.4.10 The Select Board 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 its opinion, a charge should be made.

11.4.11 The Select Board, 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 Town Manager shall keep up to date, in the office of the Town Manager, at least two copies of the Traffic Rules and Regulations, including all amendments.

11.4.12 Upon written request to the Select Board from owners of property or of a business for an officer or officers to direct traffic on private property, the Select Board 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 Select Board 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 Select Board 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 Audit

As required by M.G.L. Ch. 44, Sec. 35, the Select Board shall contract with a Certified Public Accountant to perform an audit of the Town's records for the previous fiscal year.

13.4 Revolving Funds

13.4.1 Purpose

This bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies, or officers in connection with the operation of programs or activities that generate fees, charges, or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by Massachusetts General Laws Chapter 44, Section 53E½.

13.4.2 Expenditure Limitations

A department or agency head, board, committee, or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation subject to the following limitations:

A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

B. No liability shall be incurred in excess of the available balance of the fund.

C. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Select Board and Finance Committee.

13.4.3 Interest

Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.

13.4.4 Procedures and Reports

Except as provided in Massachusetts General Laws Chapter 44, Section 53E½ and this bylaw, the laws, charter provisions, by-laws, rules, regulations, policies, or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency, or officer on appropriations made for its use.

13.4.5 Authorized Revolving Funds.

13.4.5.1 Board of Library Trustees Revolving Fund

13.4.5.1.1 Fund Name. There shall be a separate fund called the Board of Library Trustees Revolving Fund for the use of the Board of Library Trustees.

13.4.5.1.2 Revenues. The Town Accountant shall establish the Board of Library Trustees Revolving Fund as a separate account and credit to the fund all of the charges for lost or damaged library materials or cards, and late fines, charged and received by the Board of Library Trustees, to the extent that fines and charges exceed $17,000 for the fiscal year, in connection with the operation of the Bedford Free Public Library.

13.4.5.1.3 Purposes and Expenditures. During each fiscal year, the Board

of Library Trustees may incur liabilities against and spend monies from the Board of Library Trustees Revolving Fund for the purchase of library materials in connection with the operation of the Bedford Free Public Library.

13.4.5.1.4 Fiscal Years. The Board of Library Trustees Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

13.4.5.2 Conservation Commission Revolving Fund

13.4.5.2.1 Fund Name. There shall be a separate fund called the Conservation Commission Revolving Fund for the use of the Conservation Commission.

13.4.5.2.2 Revenues. The Town Accountant shall establish the Conservation Commission Revolving Fund as a separate account and credit to the fund all of the consultant fees charged and received by the Conservation Commission from permit applicants in connection with the work of the Conservation Commission (to the extent not otherwise subject to Massachusetts General Laws Chapter 44, Section 53G).

13.4.5.2.3 Purposes and Expenditures. During each fiscal year, the Conservation Commission may incur liabilities against and spend monies from the Conservation Commission Revolving Fund for the purchase of consultant services in connection with fulfillment of the work of the Conservation Commission (to the extent not otherwise subject to Massachusetts General Laws Chapter 44, Section 53G).

13.4.5.2.4 Fiscal Years. The Conservation Commission Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

13.4.5.3 Depot Park Revolving Fund

13.4.5.3.1 Fund Name. There shall be a separate fund called the Depot Park Revolving Fund for the use of the Select Board.

13.4.5.3.2 Revenues. The Town Accountant shall establish the Depot Park Revolving Fund as a separate account and credit to the fund all of the fees and revenue charged and received by the Select Board in connection with the operation of Depot Park.

13.4.5.3.3 Purposes and Expenditures. During each fiscal year, the Select Board may incur liabilities against and spend monies from the Depot Park Revolving Fund for maintenance and improvements and for purchasing equipment, supplies, and services in connection with the operation of Depot Park.

13.4.5.3.4 Fiscal Years. The Depot Park Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

13.4.5.4 Old Town Hall and Town Center Revolving Fund

13.4.5.4.1 Fund Name. There shall be a separate fund called the Old Town Hall and Town Center Revolving Fund for the use of the Select Board.

13.4.5.4.2 Revenues. The Town Accountant shall establish the Old Town Hall and Town Center Revolving Fund as a separate account and credit to the fund all of the fees and revenue charged and received by the Select Board in connection with operation of Old Town Hall and Town Center.

13.4.5.4.3 Purposes and Expenditures. During each fiscal year, the Select Board may incur liabilities against and spend monies from the Old Town Hall and Town Center Revolving Fund for the operation and maintenance of Old Town Hall and Town Center, including utility expenses and purchasing equipment, supplies, and services.

13.4.5.4.4 Fiscal Years. The Old Town Hall and Town Center Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

13.4.5.5 Department of Public Works Refuse and Recycling Revolving Fund

13.4.5.5.1 Fund Name. There shall be a separate fund called the Department of Public Works Refuse and Recycling Revolving Fund authorized for the use of the Department of Public Works.

13.4.5.5.2 Revenues. The Town Accountant shall establish the Department of Public Works Refuse and Recycling Revolving Fund as a separate account and credit to the fund all of the revenue charged and received by the Department of Public Works in connection with the refuse collection and recycling program.

13.4.5.5.3 Purposes and Expenditures. During each fiscal year, the Department of Public Works may incur liabilities against and spend monies from the Department of Public Works Refuse and Recycling Revolving Fund for any expenses related to said refuse collection and recycling program, including collection and disposal costs, the purchase of refuse carts, recycling, and compost bins, and the development and delivery of educational materials.

13.4.5.5.4 Fiscal Years. The Department of Public Works Refuse and Recycling Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

13.4.5.6 Facilities Department Energy Revolving Fund

13.4.5.6.1 Fund Name. There shall be a separate fund called the Facilities Department Energy Revolving Fund authorized for the use of the Facilities Department.

13.4.5.6.2 Revenues. The Town Accountant shall establish the Facilities Department Energy Revolving Fund as a separate account and credit to the fund all of the revenue generated from or received by the Facilities Department in connection with utility incentives for the purchase and resale of energy.

13.4.5.6.3 Purposes and Expenditures. During each fiscal year, the Facilities Department may incur liabilities against and spend monies from the Facilities Department Energy Revolving Fund for the purchase of energy and energy conservation efforts.

13.4.5.6.4 Fiscal Years. The Facilities Department Energy Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

13.4.5.7 Public Health Programs Revolving Fund

13.4.5.7.1 Fund Name. There shall be a separate fund called the Public Health Programs Revolving Fund authorized for

the use of the Board of Health.

13.4.5.7.2 Revenues. The Town Accountant shall establish the Public Health Programs Revolving Fund as a separate account and credit to the fund all of the monies, gifts, and fees charged and received by the Board of Health from public health programs, such as clinics sponsored by the Board of Health.

13.4.5.7.3 Purposes and Expenditures. During each fiscal year, the Board of Health may incur liabilities against and spend monies from the Public Health Programs Revolving Fund for public health programs by the Board of Health (including sponsored clinics) and related programs, such as medical services.

13.4.5.7.4 Fiscal Years. The Public Health Programs Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

13.4.5.8 Tree Mitigation Revolving Fund

13.4.5.8.1 Fund Name. There shall be a separate fund called the Tree Mitigation Revolving Fund authorized for the use of the Department of Public Works.

13.4.5.8.2 Revenues. The Town Accountant shall establish the Tree Mitigation Revolving Fund as a separate account and credit to the fund all of the monies, gifts, and fees charged and received by the Department of Public Works from municipal/private development that impact the public way and municipal developments on public land.

13.4.5.8.3 Purposes and Expenditures. During each fiscal year, the Department of Public Works may incur liabilities against and spend monies from the Tree Mitigation Revolving Fund for the loss or damage to trees.

13.4.5.8.4 Fiscal Years. The Tree Mitigation Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021.

13.4.5.9 Sewer I/I Mitigation Fee Revolving Fund

13.4.5.9.1 Fund Name. There shall be a separate fund called the Sewer I/I Mitigation Fee Revolving Fund authorized for the use of the Department of Public Works.

13.4.5.9.2 Revenues. The Town Accountant shall establish the Sewer I/I Mitigation Fee Revolving Fund as a separate account and credit to the fund all of the fees charged and received by the Department of Public Works from private development per the requirements of Section 51.14 of the Town Bylaws (I/I Mitigation Fee).

13.4.5.9.3 Purposes and Expenditures. During each fiscal year, the Department of Public Works may incur liabilities against and spend monies from the Sewer I/I Mitigation Fee Revolving Fund for the investigation, design, and repair of sewer I/I issues.

13.4.5.9.4 Fiscal Years. The Sewer I/I Mitigation Fee Revolving Fund shall operate for fiscal years that begin on or after July 1, 2021.

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, Sec. 16. The Finance Committee shall have authority to vote transfers from the reserve fund as provided in M.G.L. Ch. 40 Sec. 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 Select Board, 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 Select Board, 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 Select Board, 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 Select Board 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 Sec. 15.

16.2 Membership

The Board of Registrars shall consist of the Town Clerk and three residents of the Town appointed by Select Board with recommendations from the Democratic and Republican Town Committees. There cannot be a majority of any party represented (M.G.L. Ch. 51 Sec. 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 Sec. 33).
- The Board of Registrars is responsible for the preparation of the following:
  a. Street List (M.G.L. Ch. 51 Sec. 4, 10A, and 14)
  b. Voter Registration List (M.G.L. Ch. 51 Sec. 37, 38, and 58)
  c. Voting List by July 1 in State Election Years (M.G.L. Ch. 51 Sec. 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 Sec. 7 and 22A; M.G.L. Ch. 54, Sec. 135)
  b. Issuance of party enrollment certificates (M.G.L. Ch. 53 Sec. 48)
  c. Certification of absentee voter applications (M.G.L. Ch. 54 Sec. 91 and 103G)
  d. Investigation of objections and challenges to local nomination papers (M.G.L. Ch. 55B Sec. 7)
- If the Select Board 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 Sec. 12)
- The Board of Registrars is responsible for voting recounts (M.G.L. Ch. 54 Sec. 135 and 135A)

ARTICLE 17. TOWN CLERK

17.1 Authority

The office of Town Clerk is required by M.G.L. Ch. 41, Sec. 15. The Town Clerk is not required to be a resident of the Town.

17.2 Purpose

M.G.L. Ch. 40, Sec. 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 Select Board 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 their 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 their real name of a statement of: (1) change of their residence, (2) their 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 their real name, or a statement by such person of their 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 a 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 Select Board shall annually in the month of June appoint Town Counsel. Compensation will be determined by the Select Board, 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 Select Board 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 Select Board 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 Select Board 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 Select Board or Board having jurisdiction or by vote of the Town.

18.7 Annual report

Town Counsel shall report at least annually to the Select Board 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 Select Board 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, as amended by Chapter 180 of the Acts of 1979 and Chapter 154 of the Acts of 1987, and any subsequent amendments which established the Historic District.

20.2 Membership

The Historic District Commission shall consist of five members and two alternate members appointed by the Select Board to fill three-year terms.

20.3 Purpose

The purpose of the Commission is to administer and to enforce the provisions of the Special Act, as amended.

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. The Commission's powers, functions, and duties are set out in full in the Special Act, as amended.

ARTICLE 21. ZONING BOARD OF APPEALS

21.1 Authority

The organization, function, powers, and duties of the Zoning Board of Appeals are established under M.G.L. Ch. 40A, Sec. 12 and 14 and other applicable sections.

21.2 Membership

The Zoning Board of Appeals shall consist of five members and two alternate members appointed by the Select Board to fill three-year terms.

21.3 Responsibility

The Board shall hold public hearings to consider petitions for variances or special permits 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 Select Board.

22.2 Membership

The Bedford Housing Partnership shall consist of nine voting members. Seven shall be appointed by the Select Board 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 Select Board, 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 Select Board for two-year staggered terms. The seven members shall include two Select Board, 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 Select Board 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 Select Board.

25.2 Membership

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

25.3 Purpose

The purpose of the Bicycle Advisory Committee is to promote bicycling, as broadly defined, as an integral part of Bedford's community, culture, and infrastructure. The Bicycle Advisory Committee advocates for policies that encourage and support active transit, Safe Routes to Schools, and bicycle recreation and tourism. This includes addressing the problems of traffic

congestion and environmental impact such as pollution and greenhouse gas emissions. The Bicycle Advisory Committee supports community wellness, equity, and inclusion, with an emphasis on safety, education, and access for cyclists of all ages.

25.4 Responsibilities

The Bicycle Advisory Committee advises the Select Board regarding bicycling in the Town and regionally. Responsibilities include working to make bicycle use in Town safer, and consulting on and supporting prioritization of the bicycle aspects of all transportation and recreation infrastructure and policy initiatives. The Bicycle Advisory Committee advocates for adherence to the vision, core commitments, goals, and recommendations of the Town's Complete Streets policies and the Pedestrian and Bicycle Plan, as well as monitoring conditions, maintenance, and usage of current trails, and planning additional infrastructure, signage, and facilities for cyclists.

ARTICLE 26. COMMUNITY MEDIA COMMITTEE

26.1 Authority

The Community Media Committee is established by the Select Board under 207 CMR 3.01(3).

26.2 Membership

The Community Media Committee members are appointed by the Select Board who also determine the number of members and their terms.

26.3 Purpose

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

26.4 Responsibilities

The committee responsibilities are to:

- Provide recommendations to the Select Board regarding delivery of PEG programming to all Bedford residents and/or persons affiliated with Bedford institutions, organizations, businesses or agencies via cable, social media and other current and emerging technologies and media;
- 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;
- Receive information regarding the Town's cable television funds and make recommendations to the Select Board concerning expenditures from those funds and development of new sources of funds as appropriate;
- 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 Select Board for staggered three-year terms. One member each from the Conservation Commission, Historic Preservation Commission, Planning Board, Select Board (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, Sec. 8B. The Council on Aging shall be advised by a board of nine members appointed by the Select Board for three-year terms.

28.2 Purpose

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

28.3 Responsibilities

The Board shall support the purpose of the Council on Aging by:

- Identifying the interests, needs, and concerns of the age 60-and-over population of the Town and their families.
- Educating the public regarding the needs and skills of older Bedford residents and their families and caregivers, and the programs and services available to them.
- Assessing existing resources and advocating to meet the needs of the Town's older population.

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, Sec. 8D.

29.2 Membership

The Historic Preservation Commission shall consist of seven members, preferably with historic preservation and/or architectural experience and interests, appointed by the Select Board to fill three-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:

29.4.1 Conduct research on places of historic, architectural, or archaeological value.

29.4.2 Cooperate with the state archaeologist's research and coordinate activities with other historic preservation groups.

29.4.3 Compile and maintain an inventory of buildings, areas, and sites of architectural, historical, and archaeological importance.

29.4.4 Recommend the acquisition or acceptance by the Town of real or personal property of significant historical value, or permanent preservation deed

restrictions on historic structures outside the Bedford Historic District, and manage the same, subject to approval of the Select Board and Town Meeting

29.4.5 Manage the Job Lane House and property.

29.4.6 Administer Article 57, the Demolition Delay Bylaw.

29.4.7 Assist in the administration of Article 56, Tax Deferral for Renovated Historic Properties.

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 five members appointed by the Select Board for three-year terms.

30.3 Purpose

The Volunteer Coordinating Committee shall recruit and identify qualified candidates for appointive offices in the Town, except for the following:

- appointees who work full or part time for remuneration,
- the Volunteer Coordinating Committee,
- incumbents under consideration for reappointment,
- appointees of elected and appointed boards and committees other than those of the Select Board.

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. The appointing authority may not choose an appointee whose name does not appear on such list unless names have not been provided within 60 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 Select Board.

32.2 Membership

The Transportation Advisory Committee, appointed by the Select Board for three-year terms, shall consist of seven members to include one Select Board Member 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 Select Board 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 Recreation Commission is established by M.G.L. Ch. 45, Sec. 14, adopted by the 1972 Annual Town Meeting. The Recreation Commission Revolving Fund is established by Ch. 42 of the Acts of 1958.

33.2 Membership

The Recreation Commission shall consist of five members appointed by the Select Board 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 such programs on land and in buildings designated for recreation and playground uses, recommend policies to, and monitor the programmatic activities of, the Town's Recreation Department, and manage and control the Recreation Commission Revolving Fund in a fiscally- responsible manner.

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 Select Board 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 Select Board.

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.

35.2.2 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.

35.2.3 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.

35.2.4 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.

35.2.5 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 Select Board 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 their 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 Select Board. 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 Select Board.

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 Select Board.

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 Select Board.

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 Select Board.

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 Select Board 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, 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 luminance of any sign shall not exceed 24 candela per square foot.

C. Internally-illuminated signs are permitted in Industrial Zones only. The luminance of any internally-illuminated wall or freestanding sign shall not exceed 16 candela per square foot.

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 one 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 luminance (in candela per square foot) 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 luminance of any sign or building element will not exceed 6 candela per square foot in residential districts or 16 candela per square foot 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 Select Board.

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 Select Board. 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 Select Board.

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 Select Board 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 Select Board, 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 Select Board 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 Select Board 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) "Select Board" means the Board of Select Board 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 their person the registration certificate, and the same shall be exhibited by such registrant whenever they are 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 Select Board 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 their 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, they allow 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 Select Board 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 their 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, they 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 their 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 Select Board. After giving notice to the owner of the hearing, the

Select Board shall hold a public hearing on whether to revoke the license of said dog or to order destruction of the dog. If the Select Board 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 Select Board 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, they 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, they 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 Select Board 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 Select Board 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. 15C 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 their 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, they 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 or land owned, managed, or maintained by the Town of Bedford. In addition, 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 in refuse and recycling containers on Town property for use by occupants of Town buildings. 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, and/or their designee.

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 their 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 Select Board, 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 Select Board 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 Select Board 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 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 their 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 their 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 their 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 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 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 their 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 them 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, they 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 they are 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 Select Board and may present evidence showing that the signal emitted by their alarm system was not a public nuisance at the time of the abatement; that unnecessary damage was caused to their property in the course of the abatement; that the costs of the abatement should not be assessed to them; or that the requirements of this section were not fulfilled. The Select Board shall hear all interested parties and may in its discretion reimburse the alarm user for the repairs to their property necessitated by the abatement, or excuse the alarm user from paying the costs of the abatement.

48.4 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 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 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 their designee.

ARTICLE 49. CONTROL AND MANAGEMENT OF HAZARDOUS 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 one-year 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. This plan shall be reviewed, updated, as necessary, and submitted to the Board annually in a format prescribed by the Board.

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 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.

49.3.1.5 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.

49.3.1.6 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.

49.3.1.7 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.

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

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

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

(e) 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;

(f) flooding;

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

(h) 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;

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

49.3.1.9 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.

49.3.1.10 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.

49.3.1.11 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 submitted to the Board on an annual basis, shall include any updates or amendments, and shall be accompanied by a registration form supplied by the Board. Additionally, 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 Submit two plans to the Board in an electronic format via an approved means or portal. One of the plans shall be considered for the Board: the file shall be titled "Company name-address-BOH" and shall contain: a title page, table of contents, eight prescribed chapters, and the Bedford Experience. One of the plans shall be considered for the Fire Department: the file shall be titled "Company name-address-FIRE" and shall contain a title page, table of contents, four chapters (2, 3, 5 and 6), and the Bedford Experience.

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) $100 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 Select Board. 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 Select Board, 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 Select Board 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 Select Board 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 Select Board 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.
d) Each motel, hotel, or extended stay facility shall be assessed as one third (1/3) of a sewer unit per reservable room.

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 51.9. The connection fee shall be paid prior to the issuance of the building permit for each sewer unit.

51.13 New Connections

Where any property not previously bettered or where a new building is connected to the public sewer where no previous building existed, the Town shall charge a connection fee in an amount equal to the betterment assessment under Section 51.9.

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 51.10 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 51.21 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 51.16. 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 their 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 51, Sewer System, shall be collected as described in Section 51.11 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 Select Board, 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 Select Board 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 Select Board 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 Select Board 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 Select Board 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 Select Board 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 Town reserves the right to shut off the water supply to repair or replace meters after notice consistent with the provisions of MGL c. 165, s. 11A-11E.

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 Authority

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act, G.L. c. 131, Section 40 (the "Act") and its implementing Regulations 310 CMR 10.00 (the "Regulations"), which set forth minimum standards only. It uses the Home Rule authority of the Town of Bedford to afford, where appropriate, a greater degree of protection to resource areas subject to regulation under the Act and its Regulations.

54.2 Purpose

The purpose of this bylaw is to maintain the quality of surface water and the quality and level of the groundwater table and water recharge areas for existing or potential water supplies; protect the public health and safety; protect the community against unwanted costs that may be incurred when development occurs in or adjacent to wetland resource areas; and provide for the reasonable protection and conservation of certain irreplaceable natural resources, features and amenities for the benefit of the present and future inhabitants of the Town of Bedford.

Accordingly, this bylaw protects the wetlands, related water resources, adjoining land areas and important wildlife habitat areas in the Town of Bedford by controlling activities deemed by the Conservation Commission (the "Commission") to have a significant immediate or cumulative effect upon resource area values including but not limited to the following:

- public or private water supply
- groundwater
- flood control
- soil erosion and sedimentation control
- storm damage prevention
- water pollution prevention and control
- fisheries
- wildlife habitat and state-listed rare plant species
- agriculture and aquaculture
- recreation
- aesthetics

54.3 Jurisdiction

Except as permitted by the Commission or as stated in this bylaw, no person shall remove, fill, dredge, build upon, degrade, discharge into or otherwise alter, nor commence to remove, fill, dredge, build upon, degrade, discharge into or otherwise alter,

the following resource areas:

- within 100 feet of any freshwater wetland, including isolated vegetated wetlands; 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
- land under said waterways and water bodies
- within 100 feet of any land subject to flooding or inundation by groundwater or surface water

or, collectively, the "resource areas protected by this bylaw".

Activities outside protected resource areas are not regulated unless and until any such activity actually alters a resource area. Any person who requests the Commission to regulate activity taking place outside a resource area, including enforcement has the burden of demonstrating to the satisfaction of the Commission that the activity has altered a resource area. The presentation of such information shall be made in writing, sent to the Commission, with a copy sent to the owner of the land and the project proponent (if different than the owner of the land), and the person conducting any such activities outside a protected resource area.

54.4 Exceptions, Limited Projects and Variances

54.4.1 Exceptions

The following exceptions shall apply and no applications for Determination of Applicability or Notice of Intent are required for:

(a) Public Utilities Maintenance, Repair or Replacement --- 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, sewer, telephone, telegraph or other telecommunications services, or any other public utility, provided that written notice has been given to the Commission prior to commencement of work, and provided further that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

(b) Emergency Projects --- Undertaking emergency work 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 the Commonwealth or a political subdivision thereof; that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement; that the Commission or its agent certifies the work as an emergency project; that the work is performed only for the time, place and extent certified by the Commission for the limited purposes necessary to abate the emergency; and that within 21 days of commencement of an emergency project an application for a Notice of Intent shall be filed with the Commission for review as provided in this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

Other than as stated in this section, the exceptions provided in the Wetlands Protection Act, G.L. c. 131, Sec. 40 and CMR 10.00 shall not apply.

54.4.2 Limited Projects

Notwithstanding the general and specific Performance Standards provided in the regulations for this bylaw, the Commission may issue an Order of Conditions which will protect the resource area values identified in the bylaw by permitting the following limited projects:

(a) Public Utilities --- The installation and/or construction of underground and overhead public utilities such as distribution, transmission, sewer, water or natural gas lines, and telephone, telegraph or other telecommunication services.

(b) Access --- The construction of a new roadway or driveway of minimum practical width acceptable to the Planning Board, Department of Public Works, Fire Department, and Police Department; provided there exists no alternative reasonable use of the land and no possible reasonable alternative means of access from a public way to an upland area. The Commission shall require that the proponent minimize all potential impacts to the resource areas impacted by the project.

(c) Construction of Water Bodies --- If a proponent proposes an activity which results in the excavation of wildlife impoundments, farm ponds, or ponds for fire protection, the proponent must furnish for the Commission's consideration, prior to the excavation, the information specified in the regulations for this bylaw.

54.4.3 Variances

The Commission may waive the application of this bylaw and its regulations when it receives a written request for a variance from the proponent, and it determines that such variance is necessary to accommodate:

(a) Overriding Public Interests --- An overriding community, regional, state, or national public interest. The proponent shall have the burden of demonstrating that there is no reasonable alternative design of the project that would minimize any alteration of protected resource areas, and that the activity serves an overriding public interest; or

(b) Avoidance of a Taking --- In the case of an unimproved lot existing prior to the effective date of the particular bylaw or regulation provision in question, the proponent proves by a preponderance of the credible evidence that a provision of this bylaw or its regulations will deprive the proponent of any economic use of the proponent's property as a whole, including any present or former property of the proponent which previously incorporated the subject lot. The proponent shall have the burden of proving that there is no reasonable alternative design of the project or use of the lot that would result in an economic use while still complying with this bylaw and its regulations.

54.5 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, the Town of Bedford, and any other legal entity, its legal representatives, agents or assigns;

The term **"wetland"** shall include both bordering vegetated wetlands (wet meadows,

marshes, swamps, and bogs bordering on creeks, rivers, streams, ponds, or lakes) as well as isolated wetlands. Vegetated wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants, the ground and surface water regime and the vegetated community for each type being as specified in M.G.L. c. 131, Section 40. An area consisting of predominantly peat/muck soils, even where no vegetation exists, shall be considered a wetland;

The term **"delineation"** shall mean the demarcation of the boundary of a bordering vegetated wetland, the delineation procedure to follow the criteria specified in 310 CMR 10.55(2)(c) and any amendments thereto as well as the associated guidance contained in *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act,* Massachusetts Department of Environmental Protection, March 1995 and any revisions thereto;

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 alteration of water table levels;

(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, and erection or alteration of buildings or structures of any kind;

(g) Placing of obstructions or objects in water;

(h) Removal or destruction of plant life, including cutting of trees and shrubs, which may result in environmental damage to the resource areas protected by this bylaw;

(i) Destruction of wildlife habitat or state-listed rare plant or animal species;

(j) Changing water temperature, biochemical oxygen demand, or other physical, biological or chemical characteristics of any waters in protected resource areas;

(k) Any activities or changes of work which may cause or tend to contribute to pollution of any body of water or groundwater, including, without limitation, any activity that may cause surface water runoff to be contaminated with sediments or chemicals; and

(l) Incremental activities that have, or may have, a cumulative adverse impact on the resource areas protected by this bylaw.

The term **"tree"** shall mean woody plants with a diameter of 5 inches or greater at 4 ½ feet above the ground and an overall height of 20 feet or more.

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. Ch. 131, s. 40 and the Regulations, 310 CMR 10.00.

54.6 Applications and Fees

Written application shall be filed with the 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 Commission to describe proposed activities and their effects on the resource area, including such information and plans required under this bylaw and in regulations of the Commission. 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 certify, for purposes of this bylaw, the boundaries of resource areas on a site shall file a written **Abbreviated Notice of Resource Area Delineation** (ANRAD). Such a filing shall include such information and plans as are deemed necessary by the Commission to describe and define the wetland resource areas, including such information and plans required under this bylaw and in regulations of the Commission.

Any person desiring to know whether or not a proposed activity or area is subject to this bylaw may file in writing a **Request for Determination of Applicability**. Such a filing for a Request for Determination of Applicability shall contain dates and plans specified by the regulations of the Commission. The Commission in an appropriate case may accept, as the application for Determination of Applicability and related plans under this bylaw, the Request for Determination of Applicability and plans filed under the Act.

Any person proposing activity in a resource area protected by this bylaw shall file in writing a **Notice of Intent** with the Commission. Such a Notice of Intent shall contain data and plans specified by the regulations of the Commission. The Commission in an appropriate case may accept, as the application for Notice of Intent, the Notice of Intent and plans filed under the Act.

At the time of an application for a Notice of Intent the applicant shall pay a **filing fee** specified in the regulations to this bylaw. This fee is in addition to that required by the Act. This fee shall not be refundable. The Commission may waive the filing fee and costs and expenses for an application or request filed by a government agency.

Upon receipt of a Request for Determination of Applicability or a Notice of Intent under the bylaw, the Commission is authorized to require an applicant to pay a fee, called a **consultant 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 assist the Commission with issuing a final decision on said application. 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.

These specific consultant services may include but are not limited to resource area survey and delineation, analysis of resource values and impacts thereto, including wildlife habitat evaluations, hydro geological and drainage analyses, and relevant environmental or land use law.

In each case the maximum amount of the consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be based upon the estimated, entire cost of the applicant's proposed project. These maximum fee amounts and the estimated project costs reflected, fee assessment, exemptions, the timing and method of fee payment, refund and appeal procedures, as well as procedures for managing consultants shall be as specified by the regulations of the Commission.

54.7 Hearings and Notice

The Commission shall conduct a public hearing on any application for an Abbreviated Notice of Resource Area Delineation (ANRAD), Request for Determination of Applicability or Notice of Intent, except as otherwise provided by this bylaw [Sec. 54.10(c) below].

The hearing shall commence within 21 days from receipt of a completed application of an Abbreviated Notice of Resource Area Delineation, a Request for Determination of Applicability or Notice of Intent unless an extension is authorized in writing by the applicant. The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Act.

Notice of the date, time, place, and subject matter of the hearing shall be given by the 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 and the notice of the hearing shall be sent to the owner. Notice shall also be delivered or mailed in each instance to such other Town boards required by state law to receive it, also to any other Town officials as the Commission may determine to be relevant to the specific matter under consideration.

Written notice of the date, time, and place of the said hearing shall be given by the applicant by certified mail (return receipt requested), not less than seven days prior to such hearing, to all abutters, including owners of land directly opposite on any public or private street or way or body of water within 100 feet of the property or lot (as determined by the most recent Assessor's records) on which the proposed activity is to take place. For purposes of this bylaw, the 100 foot measurement shall be from the property line of the property or lot on which the proposed activity is to take place. Said abutter notification shall also state where copies of the applicant's application may be examined or obtained, and the subject matter of the hearing.

The Commission shall have authority to continue any such 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 that are deemed necessary by the Commission in its discretion; or comments and recommendations received from other 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 Commission shall take action on such information as is available at the time, provided that such objection and resulting decision are more than 21 days after the receipt of the Notice of Intent.

54.8 Presumptions

(a) Buffer Zone

When an activity is proposed that entails any filling, dredging, building upon, degrading, discharging into, or otherwise altering the area within the 100 feet in a horizontal straight line from any resource area protected by this bylaw, i.e., in its Buffer Zone, the Commission shall presume that this activity has a high likelihood of altering that resource area unless the proponent proves by a preponderance of the credible evidence that either:

- the Buffer Zone does not play a role in the protection of any of the resource area values protected by this bylaw; or
- the activity shall occur in such a manner that any potential adverse environmental impacts on any of the resource area values are avoided

(b) Specific Resource Areas

When a proponent proposes altering a wetland, bank, land under waterways and water

bodies, or land subject to flooding (bordering and isolated), the Commission shall presume that said land is significant to all the resource area values protected by this bylaw. In each case this presumption is rebuttable, and may be overcome upon the applicant proving by a preponderance of the credible evidence that the land in question does not play a role in the protection of any of the resource area values protected by the bylaw.

(c) Rare and Endangered Species

When a wildlife or plant species listed as rare, threatened, endangered or of special concern by the Massachusetts Natural Heritage and Endangered Species Program is known to inhabit or occur in a protected resource area, the Commission shall presume that any activity proposed in that area will adversely affect the species unless the contrary is proven by a preponderance of the credible evidence presented to the Commission by the proponent.

54.9 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 resource area values protected by this bylaw.

Failure to provide adequate credible evidence to the Commission supporting the burden of either an application for Determination of Applicability or Notice of Intent shall be sufficient cause for the Commission to deny the application.

54.10 Determinations and Orders of Conditions

(a) **Orders of Resource Area Delineation** --- The Commission shall issue an Order of Resource Area Delineation, either confirming or modifying the boundaries delineated in the ANRAD filing, within 21 days of the close of the public hearing, unless the applicant authorizes an extension in writing.

(b) **Determinations of Applicability** --- The Commission shall issue a written Determination of Applicability within 21 days after receipt of the Request for Determination, unless the applicant authorizes an extension in writing.

The Commission shall make specific determinations as to (1) whether the area of proposed work is an area subject to the jurisdiction of the Act; (2) whether the boundaries of the affected resource areas are accurately delineated; (3) whether the Act applies to the work proposed within a wetland resource area or its buffer zone; (4) whether the affected area or proposed work is subject to the jurisdiction of this bylaw; and (5) whether the project also requires review under the Massachusetts Rivers Protection Act .

The Commission shall issue a **Negative Determination** if the area of proposed work is not an area subject to protection under the Act or this bylaw (including the buffer zone); or if the work is in an area subject to protection under the Act but the work will not remove, fill, dredge, or alter that area; or if the work is within the buffer zone as defined in the Regulations, but will not alter an area subject to protection under the Act or this bylaw and does not require the filing of a Notice of Intent, subject to conditions as may be determined by the Commission; or the work is not within an area subject to protection under the Act (including the buffer zone) and does not require the filing of a Notice of

Intent unless and until such work alters an area subject to protection under the Act; or the area is subject to protection under the Act but the work proposed is exempt as specified either in the Act or its Regulations and no Notice of Intent is required; and if the area and/or the work is not subject to review and approval by the Commission under this bylaw.

The Commission shall instead issue a **Positive Determination** if the area is an area subject to protection under the Act or the buffer zone, and thus removing, filling, dredging, or altering the area requires the filing of a Notice of Intent; the boundary delineations of the specific resource area either are confirmed and are afterwards binding as to all decisions rendered pursuant to the Act and its Regulations for as long as this Determination is valid, or are not confirmed; the work proposed is within an area subject to protection under the Act and will remove, fill, dredge, or alter the area, requiring the filing of a Notice of Intent; the work is within the buffer zone and will alter an area subject to protection under the Act, requiring the filing of a Notice of Intent; and/or the area or the work or both are subject to review and approval by the Commission under this bylaw. When the person requesting this determination is other than the owner, notice of the determination shall be sent to the owner as well as to the requestor by certified mail (return receipt requested).

The Commission may in an appropriate case combine the Determination of Applicability issued under this bylaw with the corresponding Determination of Applicability issued under the Act.

(c) **Administrative Approvals** --- Proposed activities considered minor in scope and that would predictably have no significant or cumulative effect upon the resource areas protected by this bylaw may be reviewed and approved by the Conservation Administrator, without a public hearing. The Conservation Administrator shall inform the Commission on a regular basis of all such administrative approvals issued, upon request by either the applicant or the Commission, these approvals may be reviewed by the Commission and subject to change at its discretion. The Commission may identify examples of proposed activities that may be subject to administrative approval in its regulations.

(d) **Notices of Intent** --- If the Commission after a Notice of Intent public hearing determines that the activities which are the subject of an application for Notice of Intent are likely to have a significant or cumulative effect upon the resource areas values protected by this bylaw, the Commission, within 21 days of the close of the hearing, shall issue an Order of Conditions. If the 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 may in an appropriate case combine the Order of Conditions issued under this bylaw with the corresponding Order of Conditions issued under the Act.

No work proposed in any application for Notice of Intent shall be undertaken until the Order of Conditions issued by the Commission with respect to such work has been recorded in the Middlesex (South) Registry of Deeds or, if the land affected is registered land, in the registry section of the land court for the Middlesex (South) Registry of Deeds, and until the holder of the Order of Conditions certifies in writing to the Commission that these documents have been recorded.

Where no conditions are adequate to protect the affected resource area values, the Commission is empowered to deny an Order of Conditions for failure to meet the requirements of this bylaw. The Commission may also deny an Order of Conditions for:

- failure to submit necessary information and plans requested by the Commission;
- failure to meet the design specifications, performance standards and other requirements in regulations of the Commission; or
- failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this bylaw

An Order of Conditions shall expire three years from the date of issuance. Any permit may be renewed for one or more periods of up to three years each, provided that a request for renewal is received in writing by the Commission at least 30 days prior to expiration.

For good cause the Commission may revoke or modify an Order of Conditions issued under this bylaw after public notice and public hearing, and written notice to the holder of the Order of Conditions. Good cause for such revocation or modification shall include but not be limited to the following:

- failure by the applicant or their successors to comply with the terms of the Order of Conditions;
- receipt of new information relating to the project which indicates that previous information presented to the Commission was inaccurate;
- changes to the project after completion of the Commission's review

(e) **Trees** --- If a tree does not pose an immediate safety hazard, e.g., to a house or garage, driveway, power line, children's play area, or flower garden, a Request for Determination of Applicability and, possibly, a Notice of Intent must be filed with the Commission before cutting any such tree can occur in a wetland or within the 100 foot buffer zone.

If a tree in such resource areas does pose an immediate safety hazard, the property owner can have the tree removed without filing a Request for Determination of Applicability or Notice of Intent, provided that a Massachusetts-certified arborist examines the tree and confirms the immediate safety hazard, and the property owner then notifies the Commission in writing within 30 days of the removal of the tree, such notification including a photograph of the tree and a letter from the arborist testifying to the hazard. Alternatively, a property owner can seek an Emergency Certification for removal of immediately dangerous trees under the Massachusetts Wetlands Protection Act. The property owner must first request a public agency, such as the Bedford Department of Public Works or the Bedford Fire Department, to declare the situation an emergency in writing, then submit an application for emergency certification including such declaration from a public agency to the Bedford Conservation Commission.

54.11 Coordination with Other Town Boards or Officials

Other Town of Bedford boards and officials shall be entitled to file written comments and recommendations with the Commission regarding any requested decisions covered under Sections 54.10(a), (b) and (d) applications above, at least three business days prior to the scheduled public hearing where these are to be discussed. The Commission shall take such comments and recommendations into account during its deliberations but shall not be bound by them. The applicant shall have the right to receive copies of any such comments and recommendations before the public hearing.

54.12 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 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 following methods:

- by a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in amount and type in the opinion of the Commission; and/or
- 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, as may be deemed to be sufficient in the opinion of the Commission.

54.13 Regulations

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

As a minimum, these regulations may define key terms in this bylaw not inconsistent with this bylaw.

54.14 Enforcement

- **Authority** --- The Commission and its agent shall have authority to enforce this bylaw, its regulations, Determinations of Applicability and Orders of Conditions issued thereunder by letters, telephone calls, electronic communication, and other informal methods, and/or violation notices, non-criminal citations under G.L. c 40, Section 21D, and civil actions. Any person who violates provisions of this bylaw may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, may be fined, or both.
- **Entry** --- The Commission, its agents, officers, and employees shall, subject to and in compliance with the United States Constitution and Massachusetts Constitution and laws of the United States and the Commonwealth of Massachusetts, 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 Commission deems necessary.
- **Legal Action** --- Upon written request of the Commission, the Board of Select Board is authorized to take legal action for enforcement under civil law. Upon written request of the 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 Commission in enforcement.
- **Fines and Penalties** --- Any person, who violates any provision of this bylaw, regulations thereunder, Determinations of Applicability or Orders of Conditions issued thereunder, may be punished by a fine of not more than $300. 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.
- **Alternative to Criminal Prosecution** --- In an alternative to criminal prosecution the Commission may elect to utilize the non-criminal disposition procedure set forth in G.L. c. 40, Section 21D, in which case the penalty shall be as follows: First Offense $75; Second Offense $150; Third and subsequent offenses $300. 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.

- **Appeals** --- A decision of the Commission shall be reviewable in the superior court in an action filed within 60 days thereof, in accordance with G.L. c. 249, Section 4 as amended. In addition to the appeal procedures under G.L. c. 40, Section 21D, persons fined may appeal in writing to the Commission within 21 days. The Commission may vacate fines where compliance has been established, or their issuance is inconsistent with the resource area values protected by this bylaw. The Commission may suspend fines as long as the person in violation demonstrates a reasonable, good faith effort toward obtaining compliance. The Commission may restore suspended fines at any time during an existing violation.

54.15 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

55.1 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.

55.2 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 Select Board. 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.

55.3 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.

55.4 Responsibility for Administration

The Bedford Select Board 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.

55.5 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.

55.6 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

their 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.

55.7 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.

55.8 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.

55.9 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.

55.10 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 they still own and occupy 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 their 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**" - If, following a public hearing, the Commission determines that the demolition of a significant building would be detrimental to the historical or architectural heritage or resources of the Town and that it is in the public interest that the building be preserved or rehabilitated rather than be demolished, such building shall be considered a preferably preserved building.

"**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 latest edition of "Historic

Properties and Neighborhoods of Bedford, Massachusetts (e.g., 3rd Edition, 2015), 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 at its next meeting (provided that notice is received at least 2 business days prior to such meeting), or within 30 days after receipt of the application (whichever occurs first), 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 by the applicant, the determination of the Commission may be postponed and/or the public hearing may be continued to a later date. The Commission may condition continuance

upon the applicant agreeing to have its application dismissed or withdrawn due to repeated failure by the applicant to appear in support of the application in three (3) continued sessions of the public hearing. Such failure will result in dismissal of that application and in such cases a new application will be required to restart the process.

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 eighteen (18) 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 eighteen (18) 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 eighteen (18) 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 **eighteen (18) 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 their 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.

No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this bylaw for a period of three (3) years from the date of demolition unless otherwise agreed to by the Commission. As used herein "premises" includes the subject parcel of land and any adjoining parcels of land under common ownership and control. Upon a determination by the Commission that a building is a preferably preserved building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail to secure the building, the loss of such building through fire or other cause shall be considered voluntary demolition for the purposes of this section.

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, they 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 their 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 their 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 their regular hourly rate of pay for authorized work on the sixth and seventh consecutive day of their 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 their 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 their job is reached, subject to the approval of their 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, they 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, they shall enter it at their 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 their performance warrants it. Otherwise they 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	Indigenous Peoples' Day
President's Day	Veterans Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day Following Thanksgiving
Juneteenth	Christmas Day
Independence 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 their 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 their pre-arranged and mutually agreed to compensatory day off, they 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 their 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 on their employment anniversary shall be entitled to one additional vacation day each year until they have accrued a maximum of 25 days per year.

(c) "Deleted at 2022 ATM, Article 16"

(d) 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 and one-half of their annual vacation leave. Any vacation leave carried forward must be taken in the year to which it is carried.

(e) Vacation leave shall be accrued each pay period prorated from the annual rate.

(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 their 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 their 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 their 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 them 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, they 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. Worker's Compensation

An employee who, by reason of an industrial accident, receives statutory compensation may receive in addition the amount necessary to make up their 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 twelve 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, they shall receive an amount equal to the difference between their 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 they deem necessary for the administration of such Plan.
(b) The Town Manager or their designee shall maintain records of all employees subject to this plan, including therein such information as they deem 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 their 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. They shall keep informed as to pay rates and policies outside the service of the Town and shall recommend to the Town any action which they deem 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 they 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 they feel 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, they 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, they shall first discuss this with their 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.

ARTICLE 59. PLASTIC BAG REDUCTION IN BUSINESS ESTABLISHMENTS

59.1 Purpose and Intent

This bylaw is enacted for the purpose of eliminating the use of thin film single use plastic bags by all business establishments in the Town of Bedford. The production and use of thin film single use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; causing the potential death of marine animals through ingestion and entanglement; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

59.2. Definitions

59.2.1 "Business establishment" means the following business uses as defined in Section 4.5 of the Bedford Zoning Bylaw: a retail store; supermarket and general department store; restaurant; and take out retail.

59.2.2 "Thin film single use plastic bags" means bags, typically with plastic handles, with a thickness of 2.5 mils or less and which are intended for single use transport of purchased products purchased at a business establishment.

59.2.3 "Reusable bag" means a bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

59.3 Use Regulations

59.3.1 Effective October 1, 2017, thin film single use plastic bags shall not be distributed, provided, or sold for checkout or other purposes at any business establishment within the Town of Bedford.

59.3.2 Thin film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, and other similar merchandise, typically without handles, are

permissible.

59.3.3 Customers are encouraged to bring their own reusable bags to stores. Business establishments are encouraged to provide reusable thick plastic, paper, fabric, or other types of bags.

59.4 Enforcement

59.4.1 The Inspector of Buildings or their designee is hereby designated and authorized as the officer charged with the enforcement of this bylaw.

59.4.2 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. Nothing contained herein shall preclude the Building Inspector from seeking equitable relief to enforce this bylaw.

59.4.3 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.

ARTICLE 60. MARIJUANA ESTABLISHMENTS

Consistent with G.L. c. 94G § 3(a)(2), all types of non-medical marijuana establishments as defined in G.L. c. 94G, § 1, including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, shall be prohibited within the Town of Bedford.

ARTICLE 61. ENERGY AND SUSTAINABILITY COMMITTEE

61.1 Authority

The Energy and Sustainability Committee is established by the Select Board.

61.2 Membership

The Energy and Sustainability Committee members are appointed by the Select Board, who also determine the number of members and their terms.

61.3 Purpose

The purpose of the Committee is to work in conjunction with Town leadership to proactively identify strategies to lower municipal and school energy expenditures and reduce community greenhouse gas emissions.

61.4 Responsibilities

61.4.1 Compile and update data regarding energy usage relative to the Town's 2009 energy baseline, developed as part of Bedford's Green Community application

61.4.2 Develop and update energy policies relating to Town and school buildings and other Town assets

61.4.3 Make recommendations regarding energy conservation, energy efficiency, energy procurement for the Town and community, greenhouse gas reduction, energy education programs, alternative energy opportunities, and other sustainability initiatives

61.4.4 Coordinate with Town staff, consultants, and other community members in the creation and implementation of a plan to meet the Town's energy consumption goals.

61.4.5 Analyze and communicate how energy use and costs impact the Town.

61.4.6 Educate and raise awareness among Bedford residents regarding energy efficiency and greenhouse gas reduction.

ARTICLE 62. BEDFORD ARBOR RESOURCE COMMITTEE

62.1 Authority

The Bedford Arbor Resources Committee is established by the Select Board.

62.2 Membership

Members are appointed by the Select Board, which also determines the number of members and their terms.

62.3 Purpose

Advise the Select Board, and other Town boards, commissions, committees, and departments about arbor resources on publicly owned lands, and to encourage property owners to do the same on private lands.

62.4 Definitions for purposes of this bylaw

62.4.1 Arbor resources are trees and woody shrubs and the ecological resources that support them.

62.4.2 Arbor resource management includes managing, protecting, preserving, and developing arbor resources.

62.5 Responsibilities

62.5.1 Advise the Select Board and other Town boards, commissions, committees, and departments on, and promote public awareness of arbor resource management best practices.

62.5.2 Advise the Select Board, Tree Warden, Town departments, boards, commissions, and committees in carrying out the Town Tree Policy and the Shade Tree Act, M.G.L. Ch. 87.

62.5.3 Review the current and potential arbor resource impact of ongoing and proposed land development projects, and provide related advice and assistance as appropriate.

ARTICLE 63. PATRIOTIC HOLIDAY COMMITTEE

63.1 Authority

The Patriotic Holiday Committee is established by the Select Board.

63.2 Membership

Members are appointed by the Select Board for three-year terms. The Select Board may appoint up to nine voting members, including one American Legion representative, one VFW representative, and seven members-at-large, with preference given to Bedford veterans. If either or both of the Bedford-based American Legion and VFW representatives are not Town residents, they may be appointed as non-voting liaisons.

The committee also may have non-voting liaisons from the Select Board, Hanscom Air Force Base, Bedford Schools, Bedford Veterans' Agent, and Bedford High School JR-ROTC.

63.3 Purpose

The Patriotic Holiday Committee shall plan Town ceremonies for patriotic events with a focus on recognizing veterans of the U.S. Armed Services.

63.4 Responsibilities

- To plan public ceremonies for Memorial Day, Veterans Day, and other patriotic holidays and events.
- To recognize and promote the contributions and sacrifices made by local veterans.
- To advise the Select Board on any proposed changes to Veterans Memorial Park and Bedford veterans' memorials on the Town Common, including tree and shrub plantings.