TOWN OF MIDDLEBOROUGH

BY-LAWS

1927

Prepared by the Town Clerk's Office

Revised through October 5, 2015

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** ON MAY 14, 2001 THE TOWN ACCEPTED CHAPTER 40 SECTION 22F ALLOWING DEPARTMENTS TO ESTABLISH THEIR OWN FEES. THEREFORE, FEES QUOTED WITHIN MAY NOT BE CURRENT.

T.M. DATE	ARTICLE # AND DESCRIPTION OF BY-LAW
Mar 7, 1927	ARTICLE 1 - TOWN MEETING NOTIFICATION Section 1: Notice of every Annual and Special Town Meeting shall be given by publishing an attested copy of the warrant calling for the same in some newspaper published in the Town of Middleborough, said publication to be seven days at least before the time named for said meeting. Approved by the Attorney General September 7, 1927
Mar 7, 1927	ARTICLE 2 - WATER DEPARTMENT Section 1: The Board of Selectmen may establish such regulations not conflicting with any by-law of the town, for the introduction and use of water, the measurement thereof, the establishing of rates and payment therefor, as it may deem expedient, and upon any failure or refusal on the part of any taker of water to comply with such regulations, the Board may shut off or refuse to supply water to any such taker. Approved by the Attorney General September 7, 1927
Mar 7, 1927	ARTICLE 4 - REPORT OF ACCIDENTS Section 1: Every officer in charge of a department shall immediately make a report in writing to the Town Counselor, whenever any transaction, act or negligence of his department occurs which results in or may occasion injury to any person or property, and any police officer having knowledge of any such transaction, act or negligence shall make a similar report. Approved by the Attorney General September 7, 1927
Mar 7, 1927	ARTICLE 5 - HIGHWAYS, USE OF STREETS Section 1: No person shall ride or drive a horse or other beast of burden in any public highway, street, town way or public passageway in the town in such a manner as to endanger or unreasonably incommode other persons, nor except drivers of ambulances, patrol wagons or members of the Fire Department, shall any one ride or drive said animals thereon at a rate greater than eight miles per hour. Section 2: No person shall allow any gate or door belonging to premises under his legal control, and adjoining any public way, to swing on, over or into said public way. Section 4: No person shall tie a horse to a tree in any public street, public place or ground in the town. Section 5: No person shall suffer horses or grazing beasts or swine to run at large in this town, or to feed by the roadside, either with or without a keeper. Section 6: No person shall sweep or throw or place any rubbish, shells, banana peel or other like substance upon any sidewalk or street in the town. Approved by the Attorney General September 7, 1927
Mar 7, 1927	ARTICLE 6 - SELECTMEN Section 1: The Selectmen shall have and exercise a general superintendence over all matters affecting the interests or welfare of the town.

Section 2: The Board of Selectmen shall require the numbering of each building on a street, which shall be designated by said Board as the street number thereof, to be affixed or placed on said building by the owner or leasee thereof.

Section 3: No person shall for a longer period than ten days after notification from the Board of Selectmen neglect or refuse to affix or cause to be affixed to any building owned or leased by him the street number designated for such building by the Board of Select-men; nor shall any person affix or cause to be affixed to or suffer to remain on any building owned or leased by him a street number other than the one designated by the Board of Selectmen.

Approved by the Attorney General September 7, 1927

Mar 7, 1927 ARTICLE 7 - MISCELLANEOUS PROVISIONS - DISORDERLY CONDUCT

Section 1: No person shall throw balls, snow balls, or other missiles, or unnecessarily make any alarming or tumultuous noise, nor make nor light bon fires, or other fires, nor ride upon the hind part of any vehicle without leave, nor play at football or other games, in any public street, public way or square in this town.

Section 3: No person shall extinguish any street light, or extinguish or remove any light placed to warn the public against an obstruction or a defect in any street or way, unless such person is authorized by those having charge of such lights or of the street or way, so to do.

Approved by the Attorney General September 7, 1927

~~Mar 7, 1927~~ ~~ARTICLE 8 - LITTER~~
~~Section I: No person shall distribute paper, circulars or advertisements through the public streets or public places in the town in such a manner as to make a litter, or to create a disturbance.~~ (REVISED ON 10/6/2014 - ADDED SECTION II; RESCINDED ON 4/27/15)

Approved by the Attorney General September 7, 1927

Mar 7, 1927 ARTICLE 10 - CONTRACTS BY TOWN OFFICERS
Section 2: Every board or officer when contracting for or accepting delivery of fuel, stone, gravel or sand may require that the same be weighed and inspected by a duly authorized weigher or measurer of the Town of Middleborough and such requirements may be incorporated in every contract.

Approved by the Attorney General September 7, 1927

Mar 7, 1927 ARTICLE 11 - USES OF STREETS FOR BUILDING PURPOSES
Section I: Any person who intends to erect, alter, repair or take down any building, or part thereof, on land abutting on any way which this town is obliged to keep in repair, and desires to make use of any portion of said way for the purpose of placing thereon building materials or rubbish, shall give notice thereof to the Selectmen. Thereupon the Selectmen may grant a permit to occupy such a portion of said way to be used for such purpose as the necessity of the case demands and the security of the public allows; such permit in no case to be in force longer than ninety days, and to be on such conditions, and by furnishing such security, by bond or otherwise for the observance and performance of the conditions and for the protection of the town, as the Selectmen may require; and especially in every case upon condition that during the whole of every night, from sunset in the evening until sunrise in the morning, lighted lanterns shall be so placed as effectually to secure all travelers from liability to injury.

Section 2. No person shall use any portion of any way which the town is obliged to keep in repair for the purposes named in the last preceding section without the permit in writing of the Selectmen as above provided, not having obtained such permit shall fail to comply with the conditions thereof. For any violation of such permit the Selectmen may immediately revoke such permit.

Approved by the Attorney General September 7, 1927

~~Feb 8, 1937~~ ~~ARTICLE 9 - TREASURER & COLLECTOR~~
~~Voted that the General By-Laws approved September 7, 1927, be amended as follows:~~

~~Article 13: Town Treasurer and Collector Of Taxes~~
~~Beginning at the Annual Election to be held in 1938 and biennial thereafter the town shall elect by ballot a Town Officer to be known as Town Treasurer and Collector of Taxes for the term of two years.~~

~~Approved by the Attorney General April 6, 1937~~
Rescinded 9/24/2001

~~Jun 1, 1942~~ ~~ARTICLE 2 - TOWN MEETING QUORUM~~
~~Voted that the town amend Section 2 of Article I of the General By-Laws as amended, by striking out the words "Two Hundred and Fifty" and inserting therefore the words "One Hundred and Fifty" so that Section 2 of the General By-Laws shall read as follows:~~
~~Section 2: One Hundred and Fifty legal voters shall constitute a quorum at all town meetings, provided that a number less than a quorum may from time to time adjourn the same. This section shall not apply to such parts of meetings as are devoted exclusively to the election of town officers.~~
Rescinded 9/18/2000

Approved by the Attorney General June 11, 1942

Feb 8, 1943 ARTICLE 15 - AUDITING OF ACCOUNTS
Voted that Article 15, Section 1 of the General By-Laws of the town be amended by substituting the words biennial in place of annual and January I, 1943, in place of January 1, 1941, so as to read as follows:

> "Article 15, Section I: The accounts of the town shall be audited biennially beginning January 1, 1943, under the supervision of the Director of Accounts of the Commonwealth as provided by Section 35, Chapter 44 of the General Laws."

Approved by the Attorney General February 24, 1943

Mar 12, 1962 ARTICLE 20 - FINES FOR BY-LAW VIOLATIONS
Voted that the General By-Laws of the Town be amended by adding the following : Article 13, Section 1: "Violations of any By-Law of the Town of Middleborough shall be punished by a fine of not more than twenty dollars unless another penalty is provided for in the by-law".

Feb 24, 1964 ARTICLE 6 - CHECK LIST FOR TOWN MEETING
Voted to adopt the following by-law adding a new section to Article 1 of the General By-Laws:
Section 3: The town shall use a check list at the door of all deliberative sessions of Town Meetings so that none but registered voters may be admitted to that part of the hall used for voters. The Moderator shall designate an area in the hall for the seating of non-voters, if in

his judgement, space permits. Checkers shall be appointed by the Board of Selectmen. Nothing in this section shall prevent the admission of consultants and advisors to the Selectmen, Department Heads and elected and appointed officials.

Approved by the Attorney General April 1, 1964

Mar 20, 1967 ARTICLE 15 - TOWN TREASURER TO RECEIVE ALL FEES COLLECTED

Voted to adopt the following by-law: "All town officers shall pay into the Town Treasury all fees received by them by virtue of their office."

Approved by the Attorney General April 3, 1967

Mar 20, 1967 ARTICLE 16 - RESTRAINING OF DOGS

Voted unanimously that the town adopt the following by-law:
"The Selectmen may order any dog muzzled or restrained from running at large when such a dog is deemed, because of its disposition or excessive barking, to be a danger to persons or property or an annoyance to persons. Service of such order is to be made on the owner or keeper of the dog by causing a certified copy thereof to be delivered to him. Any person aggrieved by such order shall be granted, upon request, a hearing before the Selectmen who shall, after such hearing, affirm, modify or vacate such order. If after the service of such order, such owner or keeper fails to muzzle or restrain such dog as so required, he shall be punished by a fine of not more than ten ($I0.00) dollars.

Approved by the Attorney General April 3, 1967

~~Mar 20, 1967~~ ~~ARTICLE 17 - UNREGISTERED VEHICLES~~

~~Voted that the town amend its by-laws by adding the following article:~~

~~"UNREGISTERED VEHICLES"~~

~~Section I: No person shall have more than one unregistered car or truck, not in running condition, excepting farm vehicles, ungaraged on premises owned by him or under his control, unless authorized by the Board of Selectmen.~~
~~Section 2: Under no circumstances will an unregistered or unsightly car or truck be permitted to be stored in a front yard.~~

~~Section 3: Penalty for a breach hereof shall be in an amount not in excess of $50.00, and each day during any portion of which violation is permitted to exist shall constitute a separate offense. This section shall not apply to premises licensed under Chapter 140 of the General Laws.~~

~~Approved by the Attorney General April 3, 1967~~

Rescinded under A16 of the ATM March 10, 1975 - and is now part of Recodified Zoning Bylaws Section 6.3

Jun 19, 1967 ARTICLE 15 - DEPARTMENTS TO SELL OLD MATERIALS

Voted unanimously to delete Section 1 of Article 10 of the General By-Laws of the Town, and substitute therefore the following:
Section 1: Every Board or Officer in charge of a Department may, with the approval of the Selectmen, sell any personal property or material not required by such Department and in its charge, provided that the Board of Selectmen shall invite bids for the purchase of any such property or material which exceeds One Thousand ($I,000.00) Dollars in value by advertising in one or more newspapers published in the town or having a general circulation in the town, such notice to state the time and place for opening the bids and reserving the right of the Board to reject any and all bids."

Approved by the Attorney General July 26, 1967

Mar 13, 1968 ARTICLE 23 - TOWN MEETING ARTICLES

Voted that the town amend its by-laws by adding the following section to Article 1 thereof: "The Articles for any town meeting shall be considered in the order that they appear in the warrant for such meeting, unless otherwise ordered by vote of the meeting."

Approved by the Attorney General April 24, 1968

Oct 28, 1968 ARTICLE 1 - LEASING OF TOWN OWNED LAND

Voted unanimously to adopt the following by-law by adding the following section to Article 10 thereof:

"Section 7: The Board of Selectmen, in its discretion, may lease town owned land for such consideration and upon such terms as it may determine for any of the following uses: A public way, a public playground or public recreational area, or a public parking area; provided that the term of any such lease shall not exceed five (5) years."

Approved by the Attorney General October 31, 1968

Oct 28, 1968 ARTICLE 7 - COVERING OF WELLS

Voted unanimously to adopt the following by-law by adding the following section to Article 7 thereof:

Section 4: Every owner of land upon whose property a well exists, whether such well is in use or not, shall provide a cover for such well capable of sustaining a weight of 300 pounds or shall fill same to the level of the ground by solid fill. Whoever violates this section shall be punished by a fine of not less than $l00.00 and not more than $500.00.

Section 4A: Every owner of land upon whose property a cesspool or septic tank exists, whether such cesspool or septic tank is in use or not, shall provide a covering for such septic tank or cesspool sustaining a weight of 300 pounds or shall fill same to the level of the ground, by solid fill. This section shall not apply to existing septic tanks whose coverings are not damaged or defective. Whoever violates this section shall be punished by a fine not exceeding $50.00 for each offense.

Approved by the Attorney General October 31, 1968

Oct 28, 1968 ARTICLE 8 - PUBLIC PROFANITY

Voted to adopt the following section to Article 7 thereof:

Section 5: Whoever having arrived at the age of discretion accosts or addresses another person with profane or obscene language in a street or other public place, may be punished by a fine of not more than $20.00 dollars.

Approved by the Attorney General October 31, 1968

Mar 13, 1972 ARTICLE 11 - OBSTRUCTION OF ROADWAY WITH SNOW OR ICE

Voted to adopt the following by-law:

1. No person shall place snow or ice in or on a public way so as to obstruct or otherwise impede vehicular traffic.

2. No person shall place snow or ice in or on a sidewalk within the limits of the public way so as to obstruct or otherwise impede pedestrian traffic.

3. Any person who breaches this by-law shall be punished by a fine of not more than Fifty ($50.00) Dollars for each offense, with each day that such impediment remains constituting a separate offense.

Approved by the Attorney General May 15, 1972.

Oct 3, 1972 ARTICLE 7 - DISORDERLY CONDUCT

Voted to adopt the following by-law:

1. It shall be unlawful for a person to conduct himself in a disorderly manner.

2. A person shall be guilty of conducting himself in a disorderly manner, if with intent to cause public inconvenience , annoyance or alarm, or recklessly creating a risk thereof, he;

a. Engages in fighting or in violent, tumultuous or threatening behavior; or

b. Obstructs vehicular or pedestrian traffic, or

c. Congregates with other persons in a public place and refuses to comply with the lawful order of a police officer to disperse; or

d. Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor; or

e. Makes unreasonable noise or offensively coarse utterance, gesture or display, or addresses abusive language to any person present.

3. Whoever violates this by-law shall be liable to a penalty of not more than Fifty ($50.00) Dollars for each violation.

4.The provisions of this by-law are severable, and if any of its provisions shall be held to be unconstitutional or otherwise illegal by any court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

Approved by the Attorney General January 9, 1973

Oct 3, 1972 ARTICLE 11 - ROAD OPENINGS

Voted to adopt the following by-law:

1. No person shall construct an opening, driveway or entrance in or on any town way, for any purpose, without a written permit therefor from the Board of Selectmen and in accordance with regulations adopted by the Board of Selectmen.

2. The Board of Selectmen may make such regulations concerning the construction of openings, driveways, and entrances on town ways and the issuance of permits therefor as the Board of Selectmen deems necessary and proper for the public convenience and safety.

3. Whoever violates this by-law shall be liable to a penalty of not more than Fifty ($50.00) Dollars for each violation.

Approved by the Attorney General January 9, 1973

Mar 12, 1973 ARTICLE 16 - FAMILY DWELLING CODE

Voted that the town adopt the one and two Family Dwelling Code identical to the document on file in the office of the Town Clerk, which document is hereby incorporated by reference, as an addition to the Commonwealth of Massachusetts Board of Standards Building Code (Form STD 10) One and Two Family Dwelling Code, 1971 Edition, Authorized Edition, First Printing, Copyright, 1971 by American Insurance Association, 85 John Street, New York, New York, adopted by vote under Article 21 of the warrant for the Annual Town Meeting of March 13, 1972.

Approved by the Attorney General May 3, 1973

Nov 26, 1973 ARTICLE 6 - EXCAVATION OF LAND

Voted to adopt the following by-law:

1. Any person excavating land or any person in charge of such excavation and any owner of land which has been excavated, shall erect barriers or take other suitable measures within two days after such person has been notified in writing by the Selectmen, or the Building Inspector, that such excavation constitutes a hazard to public safety.

2. Whoever violates this by-law shall be liable to a penalty of not more than Two Hundred ($200.00) Dollars per day for every day such person is in violation of such notice commencing with the fourth day thereof.

3. This by-law shall be subject to the provisions of General Laws, Chapter 40, Section 21, (19), as amended.

Approved by the Attorney General December 27, 1973

Nov 26, 1973 ARTICLE 7 - PUBLIC CONSUMPTION OF ALCOHOL

Voted to adopt the following by-law:

1. It shall be unlawful for a person to consume alcoholic beverages on public highways including within vehicles thereon or in any other public place not duly licensed for consumption of alcoholic beverages on the premises.

2. The term "public place" as used herein shall be construed to include any way or any place to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, except as provided herein.

3. Whoever violates this by-law shall be liable to a penalty of not more than Fifty ($50.00) Dollars for each violation.

Approved by the Attorney General December 27, 1973

Nov 26, 1973 ARTICLE 8 - CONTROL OF TOWN BUILDINGS

Voted to adopt the following by-law:

1. The Board of Selectmen shall have control of all town buildings, premises appurtenant thereto and all town land except town buildings, appurtenant premises thereto and town land which are under the control of another town Board or other town officer or officers pursuant to a specific provision of law. The control of such property by the Board of Selectmen shall be defined to extend to the regulation of, without limitation, access to such property including limitation of prohibition of access, the manner or mode of use of such property.

2. The Board of Selectmen shall have authority to adopt regulations in connection with the property which they control.

3. The Board of Selectmen shall hold a public hearing prior to the adoption of any regulation authorized by Paragraph 2 of this by-law. Notice of a public hearing shall be given by publication in a newspaper of general circulation in the town, such publication to be at least seven days prior to

the hearing. Such notice shall contain the text of the proposed regulation together with a statement of the property directly affected by the regulation.

4. A copy of any regulation adopted by the Board of Selectmen pursuant to this by-law shall be filed with the Town Clerk within seven days of its adoption.

5. The Board of Selectmen shall post or cause to be posted a notice or notices of the adoption of a regulation together with a copy of the regulation in, on or about any property directly affected by the regulation within seven days of the adoption.

6. It shall be unlawful for any person willfully to tear down, remove, alter, damage or deface any notice or regulation adopted and posted pursuant to this by-law.

7. It shall be unlawful for any person willfully to remain in, on or about any town building, premises appurtenant thereto or town land in violation of any regulation adopted and posted in accordance

with this by-law after receiving notice from a town police officer to leave any such property.

8. Whoever violates this by-law shall be liable to a penalty of not more than Fifty ($50.00) Dollars for each violation.

9. The provisions of this by-law are severable, and if any of its provisions shall be held to be unconstitutional or otherwise illegal by a court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

Approved by the Attorney General December 27, 1973

Jun 27, 1974 ARTICLE 9 - PAWNBROKERS LICENSES

Voted to adopt the following by-law:

"The Board of Selectmen may license suitable persons to carry on the business of pawnbrokers, subject to General Laws, Chapter 140 Sections 70, and 202 to 205 inclusive, and the Board may revoke such license at pleasure."

Approved by the Attorney General August 20, 1974

Mar 17, 1975 ARTICLE 26 - RIFLE OR PISTOL RANGE PERMITS

Voted to adopt the following by-law:

1. No person, corporation, partnership, trust or other entity shall erect or maintain an outside or inside rifle or pistol range in, on or about any premises in the town without first obtaining a permit for such use from the Board of Selectmen.

2. Applicants for a permit required under Section 1 hereof shall submit an application to the Town Clerk in a form approved by the Board of Selectmen together with a filing fee of $25.00. The Board of Selectmen shall hold a public hearing in regard to each application, and the Board shall publish a notice of the hearing in a newspaper of general circulation within the town, publication to be at least seven days prior to the hearing date.

3. The Board of Selectmen shall adopt rules and regulations concerning the operation and maintenance of rifle or pistol ranges including standards for the issuance of permits under this by-law. Such rules and regulations may be amended by the Board, and the Board shall hold a public hearing before adopting rules and regulations or amendments thereto first giving notice of the hearing in the manner prescribed in Section 2. The Board may impose conditions upon any permit issued hereunder, and may, after hearing, revoke any such permit for violation of this by-law, any conditions imposed, or rules and regulations adopted hereunder. The Board shall give seven days written notice to the permit holder prior to any revocation hearing.

4. The issuance of a permit hereunder shall not be construed to effect an exemption from the requirements of any applicable Federal, State or Town law, rule, regulation or other provision of the law.

5. Any person, corporation, partnership, trust or other entity erecting or maintaining a rifle or pistol range in violation of Section 1 of this by-law shall be subject to a fine of Fifty ($50.00) Dollars for each violation. Each day or part thereof that a violation of this by-law exists shall be a separate violation.

Approved by the Attorney General May 22, 1975

Mar 17, 1975 ARTICLE 34 - LEASH LAW

Voted to adopt the following by-law:

"Every owner of a dog kept or maintained in the Town of Middleborough shall keep, maintain and confine such dog within the bounds of such owner's premises or premises to which such owner has the right of possession except as hereinafter provided; such owner may take his dog or permit his

dog to be taken outside said premises provided that on all such occasions the dog is continuously restrained by a leash or similar device appropriate to restrain dogs; any owner who violates this by-law shall be punished by a fine of $10.00 for each violation thereof."

Apr 25, 1977 ARTICLE 38 - TOWN CHARTER COMMITTEE

Voted to adopt a by-law providing that the Board of Selectmen shall, by May first in every year which ends in zero, appoint a committee consisting of seven members to review the Town Charter, said committee shall submit a report, with recommendations, to the next annual town meeting following its appointment concerning any proposed amendments or revisions to the Charter which it believes to be necessary or desirable.

Approved by the Attorney General August 8, 1977

Apr 25, 1978 ARTICLE 11 - TOWN MODERATOR TERM OF OFFICE

Voted to adopt the following by-law:

Section 1: The term of office of the Town Moderator shall be three years.

Section 2: The initial election of the Town Moderator for a three year term pursuant to this by-law shall be at the 1979 annual election.

Section 3: The term of Town Moderator elected pursuant to this by-law shall begin as soon as the person elected as Town Moderator at an annual election is qualified. Said term shall continue until the date of the third annual election after the annual election at which the Town Moderator was so elected and until a successor is qualified.

Approved by the Attorney General July 17, 1978

May 1, 1979 ARTICLE 19 - CHAPTER 40 TEMPORARY ROAD REPAIRS

Voted with one dissention to adopt the following by-law:

The town, acting at the direction of the Board of Selectmen, shall have the authority to make temporary repairs on private ways in the town pursuant to the provisions of General Laws, Chapter 40, Section 6N as amended subject however to the following terms and conditions:

(a) Repairs made pursuant to this by-law shall be limited to those which are necessary to place a particular way in passable condition for vehicular traffic. The Board of Selectmen shall have discretion to determine the type and extend of repairs to be carried out in accordance with the by-law;

(b) Drainage facilities or appurtenances shall not be included in any repairs under the by-law:

(c.) No repairs shall be done hereunder unless the Board of Selectmen determines certain repairs are required by public necessity;

(d) No repairs shall be done under the by-law unless a petition is filed with the Town Clerk requesting the Board of Selectmen to do repairs under the by-law in a designated private way or portion thereof. No repairs shall be done unless at least a majority of the abutters to the way or portion of the way to be repaired signs such petition;

(e) Betterment charges shall be assessed for the entire cost of all repairs done pursuant to the by-law. The assessment of betterments shall be done by the Board of Selectmen in the same manner as in the case of the imposition of betterments with respect to construction of public ways;

(f) The town shall not be liable on account of any damages caused by or arising out of such repairs;

(g) No repairs shall be done hereunder on any private way unless and until such way has been open to public use for a period of at least ten (10) consecutive years;

(h) No cash deposit shall be required for repairs hereunder; and

(i) Repairs carried out pursuant to the by-law shall not constitute evidence of the laying out or acceptance of such way under the General Laws or as evidence of a public way by prescription.

Approved by the Attorney General August 17, 1979

Oct 26, 1981

ARTICLE 15 - SECOND HAND LICENSES

Voted that the town adopt the following by-law:

Section I. Every person who is licensed by the Board of Selectmen as a keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles shall keep a book in which, at the time of each such purchase, sale or barter, shall be legibly written in the English language an account and description, including all distinguishing marks and numbers of the property purchased, sold or bartered. The full name and residential address of each person purchasing, selling or bartering such property and the date of each such transaction shall be entered in such book. Only property purchased by the keeper of such a shop at a cost of fifty dollars, or greater, or bartered for with property valued at fifty dollars, or greater, shall be required to be listed in such book.

Section 2. A book required to be kept pursuant to Section 1 shall be open at all reasonable times to inspection by any police officer of the Town of Middleborough. Any person who has possession or control of a book required to be kept pursuant to Section 1 shall permit such inspection.

Section 3. The property described in a book kept pursuant to Section 1 shall on demand of a police officer authorized pursuant to Section 2 to inspect such book be exhibited to such police officer.

Section 4. Whoever violates any provision of this by-law shall be punished by a fine of not more than Three Hundred Dollars ($300.00) for each offense.

Approved by the Attorney General February 4, 1982

Jun 7, 1982

ARTICLE 9 - PAYROLL DEDUCTION SCHEDULES

Voted to adopt the following by-law:

Section I. Deductions on payroll schedules may be made from the salary of any town employee of any amounts which such employee may authorize and specify in writing to the Town Treasurer and Collector of Taxes for the payment of the cost of premiums for a policy or policies of non-group life insurance. Such written authorization shall designate the name and mailing address of the person, company or other party to whom the Town Treasurer and Collector of Taxes is authorized to pay the amounts so deducted and the date when such deductions are to commence.

Section 2. Any such authorization may be withdrawn by the employee by giving at least sixty days notice in writing of such withdrawal to the Town Treasurer and Collector of Taxes.

Section 3. The Town Treasurer and Collector Taxes shall deduct from the salary of such employee such amounts for the cost of such insurance policies as are authorized by the employee and pay the amounts so deducted to the party or parties designated by the employee. The Town Treasurer and Collector of Taxes shall not be required to make payments more frequently than monthly.

Section 4. The word "employee" for the purpose of this by-law shall have the same meaning as the word "Employee" as defined in Section 2 (d) of Chapter 32B of the Massachusetts General Laws as amended and as it may hereafter be amended.

Section 5: The persons insured under a policy or policies of life insurance paid for by payroll deductions pursuant to this by-law shall be restricted to town employees and their spouses and children.

Section 6. The policies of life insurance for which payroll deductions may be made pursuant to this

by-law shall be limited to policies which are based upon ratings by classifications with respect to various categories of employees. Such classifications may not exceed 10. No payroll deductions may be made pursuant to this by-law with resect to employees in a particular classification unless at least fifteen percent (15%) of the eligible employees who make up such classification authorize payroll deductions pursuant to this by-law prior to any payroll deductions being made for such classification.

Approved by the Attorney General September 22, 1982

Feb 7, 1983 ARTICLE 31 - ABSENCES TO CAUSE VACANCIES ON TOWN COMMITTEES
Voted to adopt the following by-law:

Section 1: Three unexcused consecutive absences of any member of appointed Boards, Committees, Sub-Committees and/or Councils at duly called meetings shall constitute a vacancy.

Section 2: The Chairman of any appointed agency shall notify the Town Clerk, in writing, within seven (7) days of any vacancy occurring in such agency. The vacancy shall be filled within fourteen (14) days of such notification by the Board of Selectmen and appointed agency involved. Such appointments shall be for the unexpired term of the member being replaced.

Approved by the Attorney General April 26, 1983

Jun 11, 1984 ARTICLE 5 - INSPECTOR OF WIRES
Voted to adopt the following by-law:
1. The Board of Selectmen shall appoint an Inspector of Wires if the office is vacant. The Board of Selectmen may appoint an Assistant Inspector of Wires.

2. An appointment pursuant to Section 1 of this by-law shall be for such term as the Selectmen shall determine.

3. All appointees hereunder shall receive such compensation for services as the Board of Selectmen shall fix subject however to appropriation.

4. All appointees hereunder shall be subject to the supervision of the Town Manager.

5. All appointees hereunder shall hold office at the will of the Selectmen who may remove appointees.

6. Appointments pursuant to Section 1 of this by-law shall be pursuant to General Laws, Chapter 166 as amended.

Approved by the Attorney General September 21, 1984

Jun 11, 1984 ARTICLE 11 - COLLECTION OF WATER BILLS
Voted to adopt the following by-law:
Section 1. The Town Treasurer and Collector of Taxes shall collect, under the Title of Town Collector, all accounts due the town with respect to the Water Department and Wastewater Department.

Section 2. The accounts collected under Section 1 of this by-law shall include without limitation water and sewer and rates and charges, repairs, renewals, construction and any and all other accounts due to the town which are generated by the Water Department or Wastewater Department.

Section 3. This by-law is pursuant to General Laws, Chapter 4I, Section 38A as amended.

Section 4. The effective date of this by-law shall be July 1, 1984, or as soon thereafter that the by-law becomes effective pursuant to applicable provisions of the General Laws.

Approved by the Attorney General September 21, 1984

Oct 22, 1984 ARTICLE 4 - HANDICAPPED AND DISABLED VETERAN PARKING

Voted that the town adopt the following by-law pursuant to General Laws Chapter 40, Section 21 and every other power:

Section (a) Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by Section 2 of Chapter Ninety of the Massachusetts General Laws according to the following formula:
If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five per cent of such spaces but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such spaces but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one-half percent of such spaces but not less than ten; more than one thousand but not more than two thousand, one per cent of such spaces but not less than fifteen; more than two thousand but less than five thousand, three-fourths of one percent of such spaces but not less than twenty; and more than five thousand, one-half of one percent of such spaces but not less than thirty.

Section (b) Parking spaces designated as reserved under the provisions of Section (a) shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized vehicles may be removed at owner's expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve feet wide or two-eight-foot wide areas with four feet of cross hatch between them.

Section (c.) Leaving unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons as required by Sections (a) and (b) or in such manner as to obstruct a curb ramp designated for use by handicapped persons as a means of egress to a street or public way shall be prohibited.

Section (d) The penalty for violation of this by-law shall be as follows: for the first offense, Fifteen Dollars, for the second offense, Twenty-five Dollars and for each subsequent offense, the vehicle may be removed according to the provisions of Section 120D of Chapter 266 of Massachusetts General Laws.

Approved by the Attorney General January 21, 1985

Jan 7, 1985 ~~ARTICLE 8 - UNDERGROUND FUEL STORAGE TESTING~~

~~Voted by a majority vote declared by the Moderator to adopt the following by-law:~~

~~UNDERGROUND FUEL STORAGE - TESTING FOR LEAKS~~

~~Section I. Each underground liquid fuel storage tank and related handling system which is five years old or older shall be tested to determine whether fuel is leaking from the tank and related systems.~~
~~Section 2. Each such tank and related handling system shall be tested for fuel leakage every fifth year after the time for the initial test required by Section One.~~

~~Section 3. All tests required by Section One and Section Two shall be carried out in accordance with recommended practices of the National Fire Protection Association's National Fire Codes Volume 13 (1981 Edition) set forth in said Volume 13 at Page 329-31 (Final Test). Said tests shall conform to~~

~~good engineering practices consistent with the recommended practices set forth in said Volume 13.~~

~~Section 4. All tests required by this by-law shall be carried out by and at the exclusive expense of the owner of record of real property in which an underground fuel storage tank with related handling system is installed, within thirty days of written notice from the Fire Chief and the Town of Middleborough.~~
~~Section 5. All on-site tests required by this by-law shall be carried out in the presence of the Town of Middleborough Fire Chief or his nominee. An owner of real estate who is required to carry out a test pursuant to this by-law shall submit a written report to the Fire Chief of each required test which report shall set forth the test procedures used and the test results. Each report required by this section shall be submitted to the Fire Chief within two months after the date of the on-site test to which it relates.~~
~~Section 6. The initial test of a tank and related handling system required to be tested pursuant to Section One shall be carried out within six months after the date this by-law becomes effective provided such tank and handling system is five years old or older at the time the by-law becomes effective. The initial test pursuant to Section One of a tank and related handling system which is less than five years old at the time this by-law becomes effective shall be carried out within six months after the tank and handling system is five years old. Each test of a tank and handling system subsequent to the initial test pursuant to this by-law shall be carried out not less than five years and not more than five and one-half years after the latest time for carrying out the next prior required test thereon pursuant to this by-law.~~

~~Section 7. Whoever violates this by-law shall be punished by a fine of not more than Three Hundred Dollars for each offense.~~

~~Approved by the Attorney General April 8, 1985~~
RESCINDED 6/11/2012 - NEW BY LAW ADOPTED 6/11/2012 ARTICLE 23

Apr 22, 1985

ARTICLE 9 - MILK LICENSES
Voted to adopt the following by-law:
The fee for all milk licenses issued pursuant to General Laws Chapter 94, Sections 40 and 41 shall be Ten Dollars ($10.00) for each license.

Approved by the Attorney General June 6, 1985

Apr 28, 1987

ARTICLE 22 - ESTABLISH FIRE LANES
Voted to adopt the following by-law:

Section 1: The Fire Chief or his designated representative is hereby authorized to establish fire lanes to be located on private and public property devoted to or used in whole or part by the public in the Town of Middleborough, or on such other property where the establishment of fire lanes shall be determined by the Fire Chief to be necessary to allow access of fire apparatus or emergency equipment for the protection of public safety. The Fire chief or his designated representative shall establish the specific locations and dimensions of all fire lanes after consideration of the following factors:

A. The nature of the use of the premises

B. The volume of motor vehicle traffic on or about or near the designated premises.

C. The size and type of fire apparatus and emergency equipment available and necessary for the protection of the premises.

D. The area of the land and the size of the building or buildings to be protected.

Section 2: Fire lanes authorized pursuant to Section 1 may be located at entrances and exits from

parking areas, driveways, and buildings, other areas of public ingress and egress, in or within areas surrounding post indicator valves, hydrants and Fire Department connections and at other locations determined by the Fire Chief or his designated representative.

Section 3. The Fire Chief or his designated representative shall give written notice of the establishment of a fire lane to the owner of the property which is the subject of such establishment and direct the owner to post fire lane signs at the owner's expense. The property owner shall erect fire lane signs as established within sixty days of the giving of the notice of such establishment. The signs shall be erected at the location established and shall conform to the specifications designated by the Fire Chief. Such owner shall cause the signs to contain the following minimum information: "Fire Lane-No Parking at any time-Violator subject to fine-Vehicle may be towed at owner's expense".

Section 4. Fire lanes shall be of an all-weather surface capable of supporting fire department apparatus.

Section 5. No person shall park or leave unattended a motor vehicle in or within any part of an area established and posted or marked as a fire lane pursuant to this by-law. No person shall otherwise obstruct any such fire lane. An owner of property which has any such fire lane shall keep such fire lane free of snow.

Section 6. Whoever violates Section 3 of this by-law shall be liable to a fine of not more than $300.00 for each offense. Each day that any violation continues shall constitute and be a separate offense.

Section 7 Whoever violates Section 5 of this by-law shall be liable to a fine established in accordance with the provisions of Section 20A 1/2 of Chapter 90 of the Massachusetts General Laws. Fire Department and Police Department personnel are hereby authorized to cause motor vehicles which are parked in violation of Section 5 to be towed or otherwise removed pursuant to the provisions of Section 120D of Chapter 266 of the Massachusetts General Laws, or act anything thereon.

Approved by the Attorney General August 7, 1987

Apr 28, 1987 ~~ARTICLE 34 - DOG DEMAND FEES~~
~~Voted to adopt the following by-law:~~

~~Section 1. The Town Clerk shall have the right to issue a written demand by mail to the owner or keeper of a dog which is not licensed pursuant to the rules and regulations relative to the control of dogs in Plymouth County of the Plymouth County Commissioners or other applicable law. The demand shall notify the owner of keeper of the dog that the dog was not licensed in accordance with requirements of law and that the dog must be licensed to comply with applicable law.~~

~~Section 2. A demand pursuant to Section 1 shall not be mailed earlier than sixty days after commencement of the applicable license period.~~

~~Section 3. The owner of keeper of a dog who has not licensed the dog in accordance with applicable law and to whom a demand is mailed pursuant to Section 1 shall pay to the Town Clerk the sum of $10.00 as a demand fee. The owner or keeper of the dog shall pay the demand fee to the Town Clerk at the time the Town Clerk issues a license for the dog or within thirty days after a demand is mailed pursuant to Section 1, whichever is earlier. The demand fee shall be in addition to license fees, fines, penalties and forfeitures otherwise provided by law. The Town Clerk shall pay all demand fees received into the town treasury, and said fees shall not be thereafter paid to the County of Plymouth.~~

~~Approved by the Attorney General August 7, 1987~~
RESCINDED 10/3/11 - NEW BY LAW ADOPTED ON 10/3/11 ARTICLE 14

May 23, 1988 ARTICLE 16 - TOWN CLERK FEES
Voted by a majority vote declared by the Moderator to accept the following changes to Town Clerk fees as authorized by MGL Chapter 262 Section 34, Clauses 1-79:

Clause	Description	Fees
(I)	For filing and indexing assignment for the benefit of creditors……	10.00
(II)	For entering amendment of a record of the birth of a child born out of wedlock subsequently legitimized	10.00
(12	For correcting errors in a record of birth……	10.00
(13	For furnishing a certificate of birth……	5.00
(13	For furnishing an abstract copy of a record of birth ……	4.00
(14	For entering delayed record of birth……	10.00
(20	For filing certificate of a person conducting business under any title other than his real name	20.00
(21	For filing by a person conducting business under any title other than his real name - a statement of change of his residence, or of his discontinuance, retirement or withdrawal from, or change of location of such business	10.00
(22	For furnishing a certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontintuance, retirement or withdrawal from such business	5.00
(24	For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the Commonwealth	20.00
(29	For correcting errors in a record of death ……..	10.00
(30	For furnishing a certificate of death……	5.00
(30	For furnishing an abstract copy of a record of death……	4.00
(42	For entering notice of intention of marriage and issuing certificates thereof	15.00
(43	For entering certificate of marriage filed by persons married out of Commonwealth	5.00
(44	For issuing certificate of marriage……	5.00
(44	For furnishing an abstract copy of a record of marriage……	4.00
(45	For correcting errors in a record of marriage……	10.00
(54	For recording power of attorney……..	10.00
(57	For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof	20.00
(58	For recording the name of the owner of a certificate of registration as a…. physician or osteopath in the Commonwealth of Mass.	20.00
(62	For recording order granting locations of poles, piers, abutments or conduits-flat rate	40.00
	alterations or transfers thereof, and increase in number of wires and cable attachments under the provisions of Sections 22 of Chapter 166 - add'l sts	10.00
(66	For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than	5.00
(67	For copying any manuscript or record pertaining to a birth, marriage or death - per pg	5.00

(69 For receiving and filing a complete inventory of all items to be included in a "closing out sale", etc.....1st page 10.00
additional pages 2.00

Approved by the Attorney General August 30, 1988

Apr 24, 1989 ARTICLE 19 - INTEREST ON LATE PAYMENTS

Voted unanimously to adopt the following by-law:

Section I. Except as otherwise provided by law, the due date of payment of any charge or bill owed to the town by a person, corporation or other party shall be the thirtieth day after the charge or bill is incurred. A charge or bill shall be incurred within the meaning of this by-law on the date when a town board, officer, employee or agency first mails notice of the charge or bill to the person, corporation or other party responsible for its payment.

Section 2. If a charge or bill owed to the town remains unpaid after the due date under Section I of the by-law, interest shall accrue on such unpaid charge or bill from the day after due date to the date of payment.

Section 3. The rate of interest under Section 2 shall be the rate at which interest may be charged on tax bills under the provisions of Section 57 of Chapter 59 of Massachusetts General Laws.

Section 4. All payments of charges or bills owed to the Town shall be applied first to the payment of interest accrued under this by-law. The balance of payments shall be applied to the payment of the principal of the charge or bill.

Section 5. This by-law shall not apply to any charge or bill owed to the town on accounts of which interest is or may be imposed under law or as or may be otherwise required to be paid under law at any time after the charge or bills incurred because of the failure to pay the charge or bill in a timely manner.

Section 6. This by-law shall not apply to any charge or bill owed to the town on account of which a late charge, penalty, demand fee or other similar assessment exclusive of interest is or may be imposed under law because of the failure to pay the charge or bill in a timely manner. Any such late charge,

penalty, demand fee or other such assessment imposed under law because of the failure to pay a charge or bill in a timely manner shall not be a charge or bill owed to the town with the meaning of this by-law.

Section 7. This by-law shall apply only to charges or bills generated or imposed by the Police Department, Fire Department, School Department, Health Department and Planning Board.

Approved by the Attorney General June 13, 1989

Nov 20, 1989 ARTICLE 31 - AUTOMATIC AMUSEMENT DEVICES (FEES)

Voted by a majority vote declared by the Moderator, under authority of Chapter 140, Section 177A, sub-section (4) to adopt the following town by-law:

"The annual fee for an automatic amusement device as defined in Chapter 140, Section 177A, shall be One Hundred ($100.00) dollars."

Approved by the Attorney General March 9, 1990

Nov 20, 1989 ARTICLE 32 - FUEL OIL STORAGE

Voted by a majority vote declared by the Moderator under authority of Chapter 148, Section 13, to adopt the following town by-law:

"The annual fee for a license for the keeping, storage, manufacture or sale of fuel oil as defined in Chapter 148, Section 13, shall be Twenty Dollars ($20.00) for a new license and Fifteen Dollars ($15.00) for a renewal license."

Approved by the Attorney General March 9, 1990

Nov 20, 1989 ARTICLE 33 - GASOLINE STORAGE

Voted by a majority vote declared by the Moderator, under authority of Chapter 148, Section 13, to adopt the following town by-law:

"The annual fee for a license for the keeping, storage, manufacture or sale of gasoline as defined in Chapter 148, Section 13, shall be Twenty Dollars per nozzle for a new license and Fifteen Dollars per nozzle for a renewal license."

Approved by the Attorney General March 9, 1990

June 18, 1990 ARTICLE 29 - CAPITAL PLANNING COMMITTEE

Voted by a majority vote to adopt the following by-law under General Laws, Chapter 41, Section 106B:

Section 1. There shall be a Capital Planning Committee (CPC) which shall consist of seven members, who are residents of the Town of Middleborough. The Town Manager shall be a member of the CPC. The Town Manager shall serve as a member without a specific term. A member of the Board of Selectmen and a member of the Finance Committee shall be members of the CPC. The Board of Selectmen and the Finance Committee shall respectively annually appoint one of their members as a CPC member for a one year term commencing on July 1st of each year. There shall be four at-large members appointed by the Town Moderator. At-large members shall be residents of the town. None of the at-large members shall be a town officer or town employee. At-large members shall be appointed for four years, such that one will expire each year. Initial appointments for at-large members shall be made as follows: one for a one year term, one for a two year term, one for a three year term, and one for a four year term. At-large terms shall commence on July 1st. Any vacancy occurring in the membership of the CPC shall be filled for the unexpired term in the same manner as the original appointment.

Section 2. The CPC shall annually prepare a capital improvement and capital equipment expenditure program for each fiscal year. The CPC shall submit the program in the form of a report to the Board of Selectmen, Finance Committee and Town Manager prior to January 1st preceding the start of the fiscal year to which the report pertains. The report shall include without limitation all capital improvements and all capital equipment expenditures for which town meetings made an appropriation and which improvements and expenditures have not been fully paid for or for which any borrowing in connection therewith has not been fully paid. The report shall also include without limitation a description of any capital improvement or capital equipment expenditures which the CPC recommends in the report to be undertaken during the fiscal year which is the subject of the report or during the four fiscal years there-after. The report shall include cost estimates and proposed sources and methods of financing including proposed schedules for bonded indebtedness, if any, for each such capital improvement and capital equipment expenditure which the CPC recommends shall be undertaken. The CPC shall also include in its report its recommendations as to the priority of each recommended capital improvement and capital equipment expenditure. The initial report shall be submitted prior to January 1, 1991.

Section 3. The Board of Selectmen may include the report as the subject of an article in the warrant for the Annual Town Meeting for the purpose of hearing the report and for such action as the town meeting may determine is appropriate with respect thereto.

Section 4. The CPC shall annually review the capital improvement and capital equipment expenditure program which it prepares under this by-law. All town officers, boards, agencies and departments who propose a capital improvement or capital equipment expenditure shall submit the proposal in writing to the CPC for review. All proposals submitted shall include cost estimates and proposed sources and methods of financing. The CPC shall, in writing, make appropriate recommendations to the party

making the submission with respect to each such proposal. The CPC shall provide copies of its recommendations to the Board of Selectmen, Town Manager and Finance Committee.

Section 5. A capital improvement for purposes of the by-law shall mean the purchase of real estate or the construction, reconstruction, installation, alteration, remodeling, maintenance or repair of a public work or a public building which is estimated to cost more than $25,000.00. A capital equipment expenditure for the purposes of the by-law shall mean the purchase of an item of personal property which is estimated to cost more than $25,000.00.

Approved by the Attorney General October 5, 1990

Oct 10, 1990 ARTICLE 7 - WEIGHTS AND MEASURES FEES

Voted by a majority vote, to adopt the following by-law pursuant to Section 56 of Chapter 98 of the Massachusetts General Laws:

The following fees shall be assessed for sealing the following weighing or measuring devices:

Scale w/capacity over 10,000 lbs.....	75.00
Scale w/capacity 5-10,000 lbs.....	30.00
Scale w/capacity 1-5,000 lbs.....	25.00
Scale w/capacity 100-1,000 lbs.....	20.00
Scales w/balances 10-1,000 lbs.....	10.00
Scales w/balances under 10 lbs.....	10.00
Liquid capacity measure of cap. or more than 1 gal. And measures on pumps.	2.00
Liquid measuring meter diameter 1/2" - 1".....	5.00
Liquid measuring meter diameter over 1" oil and grease meters.....	5.00
Gasoline pumps.....	10.00
Vehicle tank pump.....	20.00
Vehicle tank gravity.....	25.00
Bulk storage.....	50.00
Bulk storage w/cert. Prover.....	20.00
Taximeter.....	10.00
Avoirdupois weights.....	1.00
Metric weights.....	0.50
Apothecary weights.....	0.50
Fabric measuring.....	5.00
Wire-Rope-Cordage.....	5.00
Yardsticks.....	1.00
Tapes.....	1.00
All weights & other measures.....	1.00

Approved by the Attorney General January 9, 1991

Jun 17, 1991 ARTICLE 25 - STRUCTURE DEMOLITION

Voted by a majority vote declared by the Moderator to adopt the following by-law:

STRUCTURE DEMOLITION BY-LAW

SECTION 1. INTENT AND PURPOSE

1) This by-law has been prepared by the Middleborough Historical Commission in order to protect and preserve historically significant structures, and to encourage owners of such structures to seek out persons who might be willing to purchase, preserve, rehabilitate, restore or remove such structures rather than demolish them as outlined in the Massachusetts Historical Commission Preservation Planning manual. To achieve these purposes the Middleborough Historical Commission is empowered to advise the Building Inspector with respect to the issuance of permits for demolition as

defined in this by-law.

SECTION 2. DEFINITIONS FOR THE PURPOSE OF THIS BY-LAW

A) "APPLICATION"

An application for a permit for the demolition or razing of a structure.

B) "BUILDING INSPECTOR"

The person occupying the office of Building Inspector or otherwise authorized to issue demolition permits.

C) "COMMISSION"
The Middleborough Historical Commission as established under MGL Chapter 40 Section 8D.

D) "DEMOLITION"
The act of pulling down, destroying, removing or razing an entire building or commencing or carrying out the work of total or substantially total destruction of an entire building with the intent of completing the same. Excluded from this definition shall be pulling down, destroying, removing or razing a part of a building if a substantial part of the building will remain after such work is completed.

E) "DEMOLITION PERMIT"

Any demolition permit issued by the Inspector of Buildings under the State Building Code which authorizes the destruction, demolition or removal of an entire building or substantially an entire building. Excluded from this definition shall be any demolition permit which authorizes destruction, demolition or removal of a part of a building if a substantial part of the building will remain after such work is completed.

F) "PREMISES"

The parcel of land that a significant structure is located on.

G) "SIGNIFICANT STRUCTURE" - any building or portion thereof which:

a. is listed on , or is within an area listed on, the National Register of Historic Places or is the subject of a pending application for listing on said National Register; or
b. is included in the Cultural Resources Inventory prepared by the Commission including those buildings listed for which complete surveys may be pending; or
c. has been determined by vote of the Commission to be historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect or builder provided that the owner of such a building and the Building Commissioner have been notified, in hand or by certified mail, of such vote.

SECTION 3. PROCEDURE:

3.1) Upon receipt of an application for a demolition permit the Building Inspector shall within five (5) working days forward a copy to the Chairman of the Historical Commission or his/her designee. No demolition permit shall be issued at this time.

3.2) Within twenty (20) days from its receipt of a demolition permit application, the Commission shall determine whether the structure in question is a Significant Structure. The applicant for said permit may within this time frame make a presentation to the Commission if he or she chooses to do so. If the Commission determines that the structure is not a Significant Structure, the Commission shall

so notify the Building Inspector and/or owner(s) of the structure(s) in writing within five (5) days of such determination and at this time a Demolition Permit may be issued.

3.3) If the Commission finds that the structure is a Significant Structure, the Commission, in cooperation with the applicant, shall fix the date for a public hearing and shall give public notice thereof by publishing notice of the time, place and purpose of said hearing in a local newspaper, and also at the town hall at least fourteen (14) calendar days prior to said hearing. In addition to this, notice shall be mailed to the applicant(s) within seven (7) days of said hearing, and to the abutters of said premises in question within a radius of not more than three hundred (300) feet, as they appear on the most recent tax list. The hearing shall be held no later than thirty (30) days from the determination under Section 3.2 that a structure is a significant structure.

(See Page 29 for amendment on 6/14/1993 to Section 3.3)

3.4) The Commission shall make a determination under Section 3.5 or Section 3.6 no more than fourteen (14) days after completion of a public hearing under Section 3.3.

3.5) If, after such hearing, the Commission determines that the demolition of the Significant Structure would not be detrimental to the historical or architectural heritage or resources of the town, the Commission shall so notify the Building Inspector within ten (10) calendar days of such determination. Upon receipt of such notification, or after fifteen (15) calendar days from the date of the conduct of the hearing, if the Building Inspector has not received notification from the Commission, he/she may, subject to the requirements of the State Building Code and any other applicable laws, by-laws, or rules and regulations, issue the demolition permit.

3.6) If the Commission determines that the demolition of the Significant Structure would be detrimental to the historical or architectural heritage resources of the town, such structure shall be considered a "Preferable Preserved Significant Structure." At this time the Commission shall give a written statement to the owner(s) of said structure and all concerned parties, as well as the Building Inspector and any other town offices that the Commission deems necessary to notify, outlining and defining the reason(s) for such determination. In order to allow the applicant(s) of a Preferably Preserved Significant Structure the time to find alternative methods as opposed to demolition, no demolition permit shall be issued for the structure in question for a period of not more than six (6) months from the date of such determination by the Commission.

(See Page 44 for amendment on 6/7/2004 to Section 3.6)

3.7) Notwithstanding the preceding sentence, the Building Inspector may issue a demolition permit for a Preferably Preserved Significant Structure at any time after receipt written advice from the Commission to the effect that either;

a. The Commission is satisfied that there is no reasonable likelihood that either the owner(s) applicant(s) or some other person(s) or group is willing to purchase, preserve, rehabilitate, restore or remove such structure in question, or
b. The Commission is satisfied that the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate, restore or remove the subject structure, and that such efforts have been unsuccessful.

3.8) If a structure poses an immediate threat to public health or safety due to its deteriorated condition the owner(s) of said structure may request issuance of an emergency demolition permit from the Building Inspector. At this time, the Building Inspector shall arrange to have the property inspected by himself or his designee. If the Building Inspector finds that the condition of the structure poses a serious and imminent threat to public health and safety and that there is no reasonable alternative to the immediate demolition of the structure, then the Building Inspector may at this time issue an emergency demolition permit under these provisions, he shall prepare a written report surrounding basis for his/her decision to issue an emergency demolition permit with the Commission. Nothing in this by-law shall be inconsistent with the procedures for the demolition and/or securing of structures established by Massachusetts General Laws Chapter143, Section 6 - 10. In the event that a Board of Survey is convened under the provisions of Massachusetts General Laws Chapter 143, Section 8

with regard to any structure identified in this by-law, the Building Inspector shall request the chair-

man of the Middleborough Historical Commission, or his/her designee to accompany the Board during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the Commission.

SECTION 4. RESPONSIBILITY OF OWNER

4.1) The owner(s) of a Preferable Preserved Significant Structure shall be responsible for participating in the investigation of options and for facilitating the process by providing any necessary information, allowing access to the property, securing the premises, and being actively cooperative in seeking alternatives with the Commission and any interested parties.

SECTION 5. ENFORCEMENT AND REMEDIES

5.1) The Commission and the Building Inspector are each authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance with the requirements of this by-law or to prevent a violation thereof.

5.2) Anyone who demolishes a structure, in whole or in part, as defined within the definition section of this by-law without notifying, or receiving prior consent from the Commission or Building Inspector, shall be subject to a fine of not more than Three Hundred ($300.00) Dollars. If the Commission subsequently determines that the building that has been demolished was a Significant Structure, building permit for said premises shall not be issued for a period of two (2) years from the date of such demolition.

SECTION 6. SEVERABILITY

6.1) If any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

Approved by the Attorney General October 1, 1991

Oct 21, 1991 ARTICLE 12 - MOBILE HOME BY-LAW

Voted by a majority vote declared by the Moderator to adopt the following by-law:

MOBILE HOME BY-LAW

Section I. All owners of mobile home park accommodations shall register annually with the Rent Board established pursuant to Chapter 703 of the Acts of 1985. Registration shall be required for each calendar year. The first year for registration shall be calendar year 1993.

Section 2. An owner of mobile home park accommodations shall register under Section 1 by completing and filing a registration form approved by the Rent Board. An owner of mobile home park accommodations shall file a registration form with the Rent Board prior to the start of the calendar year.

Section 3. The Rent Board may establish a fee for registration under this by-law.

Section 4. Failure to register as required under this by-law shall be punishable by a fine of not more than One Thousand ($1,000.00) Dollars for any one offense.

Approved by the Attorney General February 4, 1992

Apr 27, 1992 ARTICLE 14 - ALARM SYSTEM BY-LAW - LAW ENFORCEMENT

adj to Jun 1,1992 Voted by a majority vote to amend the by-laws of the Town of Middleborough by adding the following new by-law:

ALARM SYSTEM BY-LAW

(A) PURPOSE:

False alarms have a deleterious effect on the local law enforcement effort. They are costly and disruptive. Costly in the sense of the deployment of our people to non-bona fide calls; detrimental by subjecting our personnel and equipment to injury or other negative impacts when responding. They cause a drain on the allocation or personnel to designated areas by leaving certain other areas of the town vulnerable. This is a situation that must be met, modified and dealt with in a manner consistent with the efficient and effective running of the Middleborough Police Department by specific means as set forth herein.

(B) DEFINITIONS:

As used in this by-law, the following terms shall have the meanings indicated:

ALARM SYSTEM: An assembly of equipment and devices or a single device such as a solid state unit, arranged to signal the presence of a hazard requiring urgent attention to which police are expected to respond. Fire alarm systems and alarm systems which monitor temperature, smoke, humidity, or any other condition not directly related to the detection of an unauthorized intrusion into a premise or an attempted robbery at a premise, are specifically excluded from the provisions of the by-law, unless monitored by the department. Provisions of Section C of the by-law shall apply to all users.

FALSE ALARMS: (A) The activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or his employees or agents: (B) Any signal or automatic dialing device transmitted to the Middleborough Police Department requesting or requiring, or resulting in a response on the part of the Middleborough Police Department, when in fact, there has been no unauthorized intrusion, robbery or burglary, or attempted threat. For the purpose of this definition, activation of alarm systems by acts of nature, including but not limit to: power outages, hurricanes, tornadoes, earthquakes and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.

AUTOMATIC DIALING DEVICE: An alarm system which automatically sends, over regular telephone lines, by direct connection or otherwise, a prerecorded voice or coded signal, indicating the existence of the emergency situation that the alarm system is designated to detect.

(C) CONTROL AND CURTAILMENT OF SIGNALS EMITTED BY ALARM SYSTEMS:

1: All alarms must be authorized by the Chief of Police prior to being connected to the Middleborough Police Department.

2: Every alarm user shall submit, to the Police Chief, the names and telephone numbers of at least two other persons, in addition to the user, who are authorized to respond, after notification by the Police Department to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed. It shall be incumbent upon the owner of said premises to immediately notify the Middleborough Police Department of any changes in the list of authorized employees or other persons to respond to alarms.

3: All alarm systems installed after the effective date of this by-law which is an audible horn or bell, shall be equipped with a device that will shut off such bell or horn within 15 minutes after activation of the alarm system. All existing alarm systems in the Town of Middleborough must have a shut-off device installed within six months after passage of this by-law.

4: Any alarm system, emitting a continuous and uninterrupted signal for more than 15 minutes, which cannot be shut off or otherwise curtailed, due to the absence or unavailability of the alarm user or those persons designated by him under paragraph 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 Middleborough Police Department

shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph 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 complaints and the time each complaint was made.

5: Any alarm system which signals directly into the Police Station and which, for whatever reasons(s), can not be normally silenced or shut off, may be disconnected at the Police Department. In the event of any such occurrence, the owner shall be notified as soon as possible and said action shall be appropriately recorded by the Police.

6: No alarm system which is designated to transmit emergency messages or signals of intrusion to the Middleborough Police Department will be tested until Police Headquarters has been notified.

7: Provisions of this by-law shall not apply to alarm devices or premises owned or controlled by the town, nor to alarm devices installed in a motor vehicle or trailer.

(D) PENALTIES:

1: The user shall be assessed $25.00 as a false alarm service fee for each false alarm in excess of three (3) occurring in a calendar year; $35.00 in excess of four (4) occurring in a calendar year; and $50.00 in excess of five (5) occurring in a calendar year. The Police Chief shall notify the alarm user, either by certified mail of by service in hand by a Police Officer of such violations. Said user shall submit payment within fifteen (15) days of said notice to the Police Department for deposit to the General Fund.

2: The user of a system, which occasions six (6) or more false alarms within a calendar year, or fails to pay the fine(s) after said notice, may be ordered to disconnect and otherwise discontinue the use of same by the Police Chief.

3: All other violations of this by-law may be subject to a fine of not more than $50.00 for each offense.

Approved by the Attorney General September 18, 1992

Nov 9, 1992 ARTICLE 3 - PLUMBING AND GAS FEES

Voted unanimously to rescind the town's existing plumbing and gas permit fee schedules, and to adopt, as a by-law, in place thereof, the following new fee schedules, the existing fee schedule to remain in full force and effect until the new fee schedule is effective:

PLUMBING FEES

RESIDENTIAL

$ 10.00	for the first fixture (except for tankless & hot water heaters)
$ 7.00	for each additional fixture (except for tankless & hot water heaters)
$ 15.00	for tankless hot water heater

COMMERCIAL/INDUSTRIAL - Fee based on following per fixture schedule or $10./$1,000. On the estimated cost of the job, whichever is greater.

$ 20.00	for the first fixture (except for water heater, tankless or backflow valve for automatic fire suppression system)
$ 7.00	for each additional fixture (except for water heater, tankless or backflow valve for automatic fire suppression system)
$ 20.00	for tankless or hot water heater
$ 25.00	for backflow valve for automatic fire suppression systems (sprinklers)

GAS FEES*

RESIDENTIAL

$ 10.00	minimum fee
$ 7.00	for each additional gas appliance

$ 15.00 changeover (I. change of L.P. supplier 2. Meter relocation utility gas)

COMMERCIAL/INDUSTRIAL - Fee based on following per fixture schedule or $10./$I,000. on the estimated cost of the job, whichever is greater.

$ 20.00 minimum fee
$ 7.00 additional for each gas appliance to be connected
*NOTE: With domestic type water heaters, not additional gas fee required if it is already covered by the plumbing fee and applied for simultaneously.

REINSPECTION FOR DEFECTIVE OR INCOMPLETE WORK

$ 10.00 first reinspection
$ 20.00 second reinspection
$ 30.00 third reinspection

1. Before any permits are granted for the installation of plumbing or gas fittings, the person, or corporation making application for such permit shall pay the Town of Middleborough a fee in such amount as specified above.

2. Application must be accompanied by payment and is to filed prior to commencing work.

3. Work must be performed by a Massachusetts licensed plumber or a Massachusetts licensed gas fitter and must comply with all applicable codes and shall be inspected by the local authority having jurisdiction.
4. Any permit issued shall be deemed abandoned and invalid unless the work authorized by it shall have been commenced within one year after its issuance.

Approved by the Attorney General February 18, 1993

Nov 9, 1992 ARTICLE 4 - EARTH REMOVAL

Voted by a majority vote to amend the town's earth removal by-law adopted under Article 7 of the 1970 Special Town Meeting of May 28th, by deleting it in its entirety and substituting therefore the following:

TOWN OF MIDDLEBOROUGH EARTH REMOVAL BY-LAW

Section 1: DEFINITIONS

A. The term "earth" shall mean all forms of soil, including, but not limited to loam, sand, gravel, clay, peat hardpan or rock.

B. The term "removal" shall mean stripping, excavating or blasting earth from one lot and carrying it away from said lot..

C. The term "lot" shall mean a single parcel of land lying in a single body and separated from contiguous land by property lines, street lines, or town lines.

D. The term "property line" shall mean a line separating land in one ownership from line in a different ownership, or from other land in the same ownership. A municipal boundary shall be a properly line.

E. The term "owner" shall mean the owner of the land from which earth is sought to be removed.

F. The term "Board" shall mean the Board of Selectmen of the Town of Middleborough.

Section 2: SCOPE

This by-law shall apply to all earth removal activities in the Town of Middleborough, except as otherwise

limited herein.

Section 3: PERMITS REQUIRED

No earth shall be removed from any lot in the Town of Middleborough unless a permit shall have first been obtained by the owner from the Board pursuant to this by-law, except as otherwise provided herein. All permits granted by the Board shall be subject to conditions which will guarantee, to the satisfaction of the Board, proper and reasonable surface drainage during and after operations and reasonable re-use of available topsoil. The Board shall adopt regulations including, but not limited to, exhibits, fees and bond requirements. The Board may impose permit conditions or restrictions on any permit in the best interest of the town. The conditions or restrictions related to a permit, including the expiration date, shall be clearly set forth on the permit.

No such permit shall be issued until an application therefore has been filed with the Board and the Board has held a public hearing on the application. Notice of the filing of an application and the date and time of the public hearing thereon shall be advertised, at the expense of the applicant, in a newspaper in general circulation in the town, seven days at least before such hearing and by written notice to the Planning Board, the Conservation Commission, and the abutters. Following the hearing, the Board may grant, grant in part, or deny the application.
Amended 9/9/1996 by adding new paragraph to Section 3

Section 4: EXEMPTIONS

The following are exempted from the provisions of this by-law:

a) Any earth removal operations involving 25 cubic yards or less per lot per year.

b) Any earth removal operations involving 800 cubic yards or less per acre on lots of 4 acres or less occurring in conjunction with work subject to a valid building permit.

c) Any earth removal operations in compliance with the requirements of a subdivision plan approved by the town's Planning Board.

Section 5: LENGTH OF PERMIT

A permit may be issued for a period of up to three (3) years. At the Board's discretion, a permit may be extended for up to one (1) year beyond the initial permit period. If an earth removal project is not completed following the initial period plus any extension period, the applicant must reapply to the Board for a new permit to complete the project. The applicant must meet all by-law and regulation requirements in effect at the time of reapplication for a new permit. Current valid permits which are in effect prior to August 1, 1992 may continue in operation for up to three (3) years from the adoption of this by-law subject to all conditions and restrictions of the permit and Article 7 of the May 28, 1970 Town Meeting by-law requirements without applying for annual renewal. Such existing earth removal projects shall be subject to the provisions of this by-law after three years from the adoption of this by-law.

A copy of the Earth Removal Order of Conditions must be filed with the Registry of Deeds, at the applicant's expense, as a notice to all that the conditions restrict work on the lot under the permit.

A Certificate of Completion must be issued by the Board of Selectmen at the completion of the project attesting that the project was completed in accordance with the approved plans. Issuance of the Certificate of Completion operates to terminate the permit. The Certificate of Completion must also be filed with the Registry of Deeds at the applicant's expense.

Section 6: ENFORCEMENT

The Board of Selectmen shall be responsible for the administration and enforcement of this by-law. A violation of a condition or restriction of the permit shall be a violation of the by-law. The Town Manager shall be the agent of the Board for enforcement purposes and may issue a written cease and desist order requiring the immediate cessation of all work on the permitted property if the Town Manager believes a violation of any condition or restriction of the permit has occurred. In the absence of the Town Manager the Board of Selectmen may designate another Agent. The written order shall specify the alleged violation. A copy of the order will be given to the Board members as soon as possible after it is issued.

The Board of Selectmen shall within three (3) weeks of the issuance of the cease and desist order, hold a public hearing to review the facts and to determine whether a violation has occurred. If a violation is found, the Board, in its discretion, may revoke, revise or modify the conditions or restrictions of the permit. The penalty for violation of this by-law shall be a fine of up to $50 for the first offense, $100 for the second offense and $200 for each offense after the second offense. Each day of operation in violation of the by-law shall be treated as a separate offense.

Section 7: GENERAL PROVISIONS
An earth removal permit issued under this by-law shall not authorize a use which is not permitted under applicable provisions of the Town of Middleborough Zoning By-law. No earth removal permit shall authorize screening or other processing of earth materials in a Residential Zone. This shall not be construed to prohibit screening of earth on a lot which is the subject of an earth removal permit, in a Residential Zone, for use on the same lot to provide gravel for roadways, loam for final grading and/or sand for bogs.

Section 8: SEVERABILITY CLAUSE

The provisions of this by-law are severable; and if any provision or application of such provision to any person or circumstances is held invalid or unconstitutional, this shall not affect the remaining provisions.

Approved by the Attorney General February 18, 1993

Jun 14, 1993 ARTICLE 10 - STRUCTURE DEMOLITION
Voted unanimously to rescind Section 3.3 of the Structure Demolition By-law, and adopt in is place thereof, the following. The old section will remain in effect until the new Section 3.3 is effective:

3.3 If the Commission finds that the structure is a Significant Structure, the Commission, in cooperation with the applicant, shall fix the date for a public hearing. The expense of such notice shall be borne by the demolition permit applicant and the applicant shall give public notice thereof by publishing notice of the time, place, and purpose of said hearing in a local newspaper, and also at the Town Hall at least fourteen (14) calendar days prior to said hearing. In addition to this, notice shall be mailed to the applicant(s) within seven (7) days of said hearing, and to the abutters of said premises in question within a radius of not more than three hundred (300) feet, as they appear on the most recent tax list. The hearing shall be held no later than thirty (30) days from the determination under Section 3.2 that a structure is a Significant Structure.

Approved by the Attorney General August 30, 1993

Jun 14, 1993 ARTICLE 13: BUILDING DEPARTMENT PERMIT FEE SCHEDULE
Voted by a majority vote to rescind the town's existing building permit fee schedule and to adopt as a by-law, in place thereof, the following new fee schedule. Such rescission and new fee schedule to be effective when the by-law adopted hereunder becomes effective.

BUILDING DEPARTMENT PERMIT FEE SCHEDULE

RESIDENTIAL

NEW CONSTRUCTION	RATE*	REMARKS
A. One & two family dwellings & permanent	@ $6./$1,000**	

mobile homes

	Minimum…	240.00
	Maximum…	NONE
B. Multi-family & similar type dwelling: per unit	@ $6./$1,000	
	Minimum…	180.00
	Maximum…	NONE
C. Addition, barns, garages and similar accessory buildings (150 s.f. or more)	@ $6./$1,000	
	Minimum…	18.00
	Maximum…	NONE

ALTERATIONS @ $6./$1,000.

	Minimum…	18.00
	Maximum…	NONE

ALL OTHER RESIDENTIAL TYPE PERMITS

Such as: Decks, swimming pools, fireplaces, chimneys, sheds, solid fuel stoves, solar systems, demolition and sign permits, etc.

@ Flat rate…	18.00

OCCUPANCY FEES PER EACH BUILDING OR DWELLING UNIT:

@ Flat rate…	20.00

REINSPECTION FEE

@ Flat rate…	20.00

A reinspection fee may be charged for each inspection and reinspection requested, if the work is incomplete, or requires substantial correction.

DOUBLE FEES FOR WORK STARTED WITHOUT BUILDING PERMIT

NOTE: *Rate per $1,000 of valuation or fraction thereof.

**The valuation for the rate schedule is based on actual estimate. However, the "BOCA PERMIT FEE SCHEDULE" (Current Edition) shall be used if actual cost can not be substantiated.

***All fees in this Residential Schedule are NON-REFUNDABLE up to the amount of $50.00

COMMERCIAL

(Includes all buildings, structure and work not covered in Residential Schedule)

		RATE*	REMARKS
A	BUILDINGS, ADDITIONS & STRUCTURES	@ $6/$1,000**	
		Minimum.....	100.00
		Maximum.....	NONE
B	ALTERATIONS	@ $6./$1,000	
		Minimum.....	50.00
		Maximum.....	NONE
C.	DEMOLITION	@ Flat Rate.....	50.00

D SIGNS: SOLAR SYSTEMS: FIRE SUPPRESSION SYSTEMS AND SIMILAR SYSTEMS:

@ Flat Rate…… 30.00

E. OCCUPANCY FEES FOR EACH BUILDING OR SEPARATE TENANT SPACE THEREOF:

@ Flat Rate…… 30.00

F. REINSPECTION FEE @ Flat Rate…… 20.00

A reinspection fee may be charged for each inspection and reinspection requested, if the work is incomplete or requires substantial correction.

DOUBLE FEES FOR WORK STARTED WITHOUT BUILDING PERMIT

NOTE: *Rate per $1,000.00 of valuation or fraction thereof.

**The valuation for the rate schedule is based on actual estimate. However, the "BOCA PERMIT FEE SCHEDULE" (Current Edition) shall be used if actual cost can not be substantiated.

***All fees in this Commercial Schedule are NON-REFUNDABLE up to the amount of $300.00

Approved by the Attorney General August 30, 1993

Jun 14, 1993 ARTICLE 29 - COMMITTEE FORMATION

Voted by a majority vote to adopt the following by-law:

COMMITTEE FORMATION BY-LAW

Any Board, Committee, Commission or Town Meeting, establishing a Committee not provided for or created by statute shall use the following format:

1. Establish the appointing authority.
2. Establish number of members of committee.
3. Establish terms of office of committee members.
4. Establish whether members must be town residents.
5. Establish method for filling vacancies (using the following language: The appointing authority shall fill the vacancy based on the unexpired term of the vacancy in order to maintain the cycle of appointments.)
6. Establish the purpose for said committee.
7. Establish, as briefly as possible, the goal of said committee.

Approved by the Attorney General August 30, 1993

Jun 14, 1993 ARTICLE 30 - PUBLIC MEETING MINUTES

Voted unanimously to adopt the following by-law:

PUBLIC MEETING MINUTES BY-LAW:

All Boards, Committees, Commissions or Sub-committees, as provided for in the Massachusetts Open Meeting Law shall file their minutes with the Town Clerk within forty-five (45) calendar days of their meeting, or within fourteen (14) calendar days of Board, Committee, Commission or Sub-committee

approval of said meeting minutes, or whichever comes first. Chapter 39, Section 23B and Chapter 66, Section 5A of the Massachusetts General Laws shall be used to define what constitutes and should be included in minutes.

Approved by the Attorney General August 30, 1993

Sep 27, 1993 ARTICLE 13 - WIRING PERMIT FEES

Voted by a majority vote declared by the moderator to rescind the town's existing wiring permit fee schedule and to adopt as a by-law, in place thereof, the new fee schedule, as printed. Such rescission and new fee schedule to be effective when the by-law adopted hereunder becomes effective.

RESIDENTIAL WIRING

A. BASIC FEE: New houses, single family dwellings or each individual unit of a multiple family dwelling $65.00. Includes, boiler or furnace, permanent service, smoke detectors, receptacles, lights, appliances and low voltage systems.

(#11,a.-e.) when listed on wiring permit and when ready for inspection at the same time as the rough inspection. If done separate from permit, fee below will prevail.

B. ADDITIONAL FEES: Additional fees listed below are for individual items which are not already covered or provided for in the basic fee "A" above.

1. New Additions, alterations, garages, sheds, barns.....	20.00
2. Temporary or permanent service, each.....	15.00
3. Meters: Additional or service change, each.....	15.00
4. Electric heat, each unit.....	15.00
5. Swimming pool.....	15.00
6. Central air conditioning.....	15.00
7. Burglar alarm system.....	15.00
8. Generator transfer switch.....	15.00
9. Signs.....	15.00
10. Fire protection devices	
a) Smoke detectors (Minimum for 3 or under).....	15.00
after 3 - each	5.00
b) Other devices, example: heat detectors, horns, lights, etc. - each...	2.00
11. All types of low voltage systems, including: a) cable; b) central vacuum: c) communications; d) computer; e) telephone.....	15.00
12. Miscellaneous.....	15.00
*13. Reinspection for meters out of service 6 months or more.....	15.00

*And reinspection fees may be charged for each inspection and reinspection requested for any other work, if the work is incomplete or requires substantial corrections.

DOUBLE FEES FOR WORK STARTED WITHOUT WIRING PERMIT

NOTICE:

1. Before any permits are granted for the installation of wiring, the person or corporation making application for such permit shall pay to the Town of Middleborough a fee in such amount as specified above.

2. Application must be accompanied with payment and proper identification and be filed prior to commencing work.

3. Work must be performed by a Mass. Licensed electrician with proper insurance and must comply with all applicable codes and shall be inspected by the local authority having jurisdiction.

4. All permits issued shall be deemed abandoned and invalid unless the work authorized by it shall shall have been commenced within one year after its issuance.

COMMERCIAL WIRING

A. BASIC FEES: New buildings, additions, renovations and alterations..Minimum fee..... 60.00

(This covers up to, and including the first $20,000.00 of construction costs)

For each additional $20,000.00 worth of construction, or fraction thereof, the fee will be..... 15.00

NOTE:

1. These fees above include boiler or furnace, receptacle, building lights, appliances, and the permanent service and low voltage systems (#10,a)-e)). If listed on original permit and ready for inspection at same time as rough inspection. If done separately, fee listed below will prevail:

2. If the building is to be constructed in separate phases, (Separate building permits), then the fees for each phase are to be calculated as per the above schedule.

B. ADDITIONAL FEES: Additional fees listed below are for individual items which are not already covered or provided for in the basic fee "A" above and listed on the original permit.

1. Temporary or permanent service, each service change..... 25.00
2. Meters: Additional each..... 15.00
3. Electric heat, each unit..... 25.00
4. Swimming pool..... 40.00
5. Central air conditioning..... 25.00
6. Burglar alarm panel (includes 2 keypads, 1 alarm box)..... 25.00
   Additionally: each detector $5.00 & each contractor $2.00
7. Generator transfer switch..... 25.00
8. Signs..... 25.00

9. Fire protection devices
   a) Smoke detectors (minimum for 5 or under)..... 25.00
      after five - each..... 5.00
   b) Other devices, example: heat detectors, pull stations, horns, lights, etc. each..... 2.00
10. All types of low voltage systems, including a) cable; b) central vacuum;
    c) communications; d) computer; e) telephone..... each 20.00
12. Miscellaneous..... 25.00

*13. Reinspection for meters out of service 6 months or more..... 25.00

*And reinspection fees may be charged for each inspection and reinspection requested for any other work if the work is incomplete or requires substantial corrections.

DOUBLE FEES FOR WORK STARTED WITHOUT WIRING PERMIT

NOTICE:

1. The construction cost is based on estimated cost of building construction work which is on file with building permit application in the Building Inspector's office.

2. Before any permits are granted for the installation of wiring, the person or corporation making application for such permit shall pay to the Town of Middleborough a fee in such amount as specified above.

3. Application must be accompanied with payment and proper identification and be filed prior to commencing work.

4. Work must be performed by a Mass. Licensed electrician with proper insurance and must comply with all applicable codes and shall be inspected by the local authority having jurisdiction.

5. All permits issued shall be deemed abandoned and invalid unless the work authorized by it shall have been commenced within one year after its issuance.

Approved by the Attorney General December 7, 1993

Apr 25, 1994

ARTICLE 6 - DENY/REVOKE LICENSE FOR NON-PAYMENT OF TAXES

Voted unanimously to accept the provisions of General Laws, Chapter 40, Section 57, as amended, by Chapter 408 of the Acts of 1993, to rescind the by-law adopted under Article 17 of the 1986 Annual Town Meeting, which by-law provides for denial, revocation or suspension of any local license or permit on account of failure to pay local taxes, fees, assessments, betterment's or any other municipal charges and to adopt the by-law hereafter set forth, said by-law adopted in 1986 to remain in effect until the by-law hereafter set forth is effective:

Section I. Any town licensing authority may deny any application for, or revoke or suspend any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments betterment's or any other municipal charges or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterment's or any other municipal charges.

Section 2. The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterment's and other municipal charges hereinafter referred to as the tax collector, shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

Section 3. The licensing authority may deny, revoke or suspend any license or permit including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector, or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facia evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be make only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law , except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

Section 4. Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

Section 5. The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of Chapter Two Hundred and Sixty-eight A in the business or activity conducted in or on said property.

This by-law shall not apply to the following licenses and permits: open burning, Section 13 of Chapter 48; bicycle permits; Section 11A of Chapter 85; sales of articles for charitable purposes, Section 33 of Chapter 101; children work permits, Section 69 of Chapter 149; clubs, associations dispensing food or beverage license, Section 21E of Chapter 140; dog licenses, Section l37 of Chapter 140; fishing, hunting, trapping license, section 12 of Chapter 131; marriage licenses, Section 28 of Chapter 207 and theatrical events, public exhibition permits, Section 181 of chapter 140.

Approved by the Attorney General June 13, 1994

Jun 12, 1995 ARTICLE 34: COUNCIL ON AGING BY-LAW

Voted by a majority vote to amend the existing by-law which established the Council on Aging, which by-law was adopted under Article 13 of the March 16, 1966 Annual Town Meeting and amended under Article 27 of the June 14, 1993, Special Town Meeting, by rescinding the by-law in its entirety and adopting the following by-law in place thereof, said existing by-law to remain in effect until the following by-law becomes effective.

Section l. There is hereby established a Council on Aging consisting of eleven (11) members who shall be residents of the town. The members shall be appointed by the Board of Selectmen, The initial terms of the members shall be as follows: four members shall have terms of one year; four members shall have terms of two years; and three members shall have terms of three years each. Their successors shall be appointed for terms of three years each. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.
Section 2. The Council on Aging shall be responsible to the Board of Selectmen, and its members shall serve without compensation. The Council on Aging within the limits of available funds may appoint such clerks and other employees as it may require.

Section 3. It shall be the duty of the Council on Aging to coordinate or carry out programs designed to meet problems of the aging and to coordinate such programs with programs of the Commonwealth of Massachusetts Executive Office of Elder Affairs.

Approved by the Attorney General September 28, 1995

Sep 9, 1996 ARTICLE 3 - DOG COMPLAINT PROCEDURES

Voted by a majority vote declared by the Moderator to adopt the following by-law:

1. If a person shall make a complaint in writing to the Board of Selectmen that any dog owned or harbored within the town has caused physical injury to any person, a dog or another animal, the Board of Selectmen, the Chief of Police or Acting Chief of Police may order any Dog officer of the town in writing to apprehend such dog and to confine the dog until such time as the Board of Selectmen shall investigate and hold a hearing regarding the complaint and make an order concerning the restraint or disposal of such dog or make other disposition of the complaint.

2. In the event a dog is apprehended pursuant to this by-law, the Board of Selectmen shall hold a hearing regarding the complaint within ten (10) days after the date the dog is apprehended. The Board of Selectmen shall make any order concerning the restraint or disposal of the dog or other disposition of the complaint no later than ten (10) days after the hearing is closed. If the Board of Selectmen does not make such order or disposition, the Dog Officer who has control of the dog shall return the dog forthwith to the possession of its owner or keeper.

3. A Dog Officer who receives a written order to apprehend and confine a dog under this by-law shall have authority to apprehend such dog and confine it in a suitable place until procedures under Section 2 of the by-law are completed. Any owner or keeper of a dog which is the subject of a written order of the Board of Selectmen, Chief of Police or Acting Chief of Police, to apprehend and confine the dog shall deliver custody and control of such dog to the Dog Officer upon request of the Dog Officer. A Dog

Officer shall have the right to enter upon private property in carrying out duties under this by-law.

4. No person shall interfere with any Dog Officer who is carrying out duties under this by-law. No owner or keeper of a dog shall fail or refuse to deliver custody and control of a dog to a Dog Officer upon request of the Dog Officer under this by-law.

5. The term "Dog Officer" as used in this by-law shall include a town Animal Control Officer .

6. Any person who violates a provision of Section 4 of this by-law shall be subject to a penalty of Fifty Dollars ($50.00) for each violation. Each interference or refusal to deliver custody and control shall constitute a separate violation.

Approved by the Attorney General November 18, 1996

Sep 9, 1996

ARTICLE 25 - EARTH REMOVAL

Voted unanimously to amend Section 3. of the Town of Middleborough's Earth Removal By-law, by adding the following paragraph:

After an Earth Removal Permit Application has been submitted, no tree removal, utility installation, ditching, grading or construction of roads, no grading of land, no excavation except for purposes of soil testing, no dredging or filling, and no construction of buildings or structures shall be initiated on any part of that area in which the proposed earth removal will take place until the application has been received and approved and an Order of Conditions issued as provided for by this by-law, and that all activity, as described above, shall continue to be prohibited throughout the duration of the Earth Removal Permit except for what is permitted and referenced on the approved plan. This paragraph shall not apply to land in active agricultural use including normal maintenance of cranberry bogs.

Approved by the Attorney General November 18, 1996

Sep 28, 1998

ARTICLE 26 - STREET NUMBERING

Voted unanimously to rescind Section 2 and Section 3 of the town by-law adopted under Article 6 of the warrant for the March 7, 1927, Town Meeting, such rescission to be effective when the replacement sections hereinafter set forth become effective, and replace said sections with the following:

Section 2. The Board of Selectmen may assign a street number to any building in the town whether a building is on a parcel or lot of real estate which abuts a public way or private way or whether a building is on a parcel or lot of real estate which does not abut a public way or private way.

Section 3. The Board of Selectmen may assign a street number to any vacant land in the town including land which abuts a public way or private way or vacant land which does not abut a public way or private way.

Section 4. The Board of Selectmen shall give written notice of a street number assignment to the owner of record of any building which is assigned a street number under Section 2 of this by-law and to the owner of record of any vacant land which is assigned a street number under Section 3 of this by-law.

Section 5. The owner of record of a parcel or lot of real estate which contains a building and which building has been assigned a street number hereunder shall affix or place the assigned street number on the outside of the building within ten (10) days after notice of such street number assignment here-under is given to the owner. No owner of record of a parcel or lot of real estate which contains a building and which building has been assigned a number shall affix, place or allow to remain on the building any street number except the street number assigned to the building hereunder.

Section 6. The Board of Selectmen shall have authority from time to time to delegate its powers and duties under sections, 2, 3 and 4 of this by-law to a town officer or town employee. Such officer or employee shall have the duties and powers of the Board of Selectmen hereunder. Any such delegation

of authority shall be in writing and given to the officer or employee who receives the delegation. The Board of Selectmen shall file a copy of such writing with the Town Clerk. The Board of Selectman may revoke any delegation of authority under this by-law by written notice to the officer or employee. The Board of Selectmen shall file a copy of such notice with the Town Clerk.

Approved By The Attorney General December 8, 1998

Oct 18, 1999

ARTICLE 23 - PERSONNEL BOARD

Voted by a majority vote to adopt the following by-law:

Section 1. PURPOSE AND AUTHORIZATION

The purpose of the Personnel Board and this by-law is to recommend fair and equitable personnel policies, procedures and regulations and to recommend a system of personnel administration based on merit principles that ensures a uniform, fair and efficient application of personnel policies and for other purposes set forth under General Laws Chapter 41, Section 108C.

Section 2. APPLICATION

This by-law and the Board's jurisdiction, duties and authority under the by-law shall not apply or extend to elected Town Officials, employees of the School Department and employees of the Gas and Electric Department.

Section 3. COMPOSITION OF PERSONNEL BOARD

There shall be a Personnel Board which is hereby established, which shall be known as the Town of Middleborough Personnel Board, hereafter "Board", which shall consist of five members, who shall be registered voters in the Town of Middleborough and who shall not be employees or elected officials of the town. The members of the Board shall serve during the term for which they are appointed and until their successors are qualified. They shall be sworn to the faithful performance of the duties and shall serve without compensation. Such Board shall be under the general supervision and direction of the Board of Selectmen.

Upon establishment of the Board, two members shall be appointed for a three year term by the Board of Selectmen: two members shall be appointed for a two year term by the Finance Committee and one member shall be appointed for a one year term by the Town Moderator. Upon expiration of the terms of members, the respective appointing authorities shall appoint successors for a term of three years each. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

The appointing authorities in making appointments to the Board shall give consideration to the personal qualifications of those citizens who will meet the responsibility of carrying out the purposes of the by-law and Board duties thereunder. If possible, Board members should be familiar with the principles and practices of labor relations and personnel administration.

Upon being qualified by the Town Clerk, the members of the Board shall meet in open session to appoint a Chairman, a Vice Chairman and a Secretary who shall serve in such positions and until the expiration of their term on the Board or until the Board is reorganized by majority vote of the Board. Minutes of all open meetings of the Board shall be filed with both the Board of Selectmen and the Town Clerk and shall be available to all town residents. The Board shall meet monthly for at least ten months of each year and at other times as directed by the Board of Selectmen. The Board may also meet at other times as it determines. Public notice of all Board meetings shall be given in accordance with the Open Meeting Law. The Board may meet either in open session or executive session as provided under law.

Section 4: DUTIES OF THE PERSONNEL BOARD

The duties of the Board, functioning as an advisory board and as directed by the Board of Selectmen, shall include without limitation the following:

A. Develop and recommend such policies, procedures, by-laws and regulations as it deems necessary for the

administration of personnel practices, procedures, classification and compensation plans in accordance with General Laws Chapter 41, Section 108A. The Board may employ assistance and incur expenses, as it deems necessary, subject to the appropriation of funds therefore.

B. Maintain descriptions of the jobs or positions, describing the essential characteristics, requirements and general duties. The descriptions shall not be interpreted as complete or limiting definitions and employees shall continue to perform any duties assigned by their superiors. The Board shall, at least every three years, review said job descriptions.

C. From time to time review any town Salary Plan. It shall keep informed as to the pay rates and policies outside of the service of the town and shall recommend to the town any actions deemed desirable to maintain a fair and equitable pay level for all positions in any town Salary Plan.
D. Make an annual report in writing to the Town Meeting through the Board of Selectmen relating to its performance during the preceding year.

E. Such other duties as the Board of Selectmen shall direct which pertain or relate to administration of town personnel or which may be authorized under a town by-law.

F. Have the authority to contact or meet appropriate town employees or other persons as it finds necessary to perform its assigned duties and shall have the authority to examine town records as appropriate. Nothing in this section shall be construed as giving the Board any rights to violate any General Law or town by-law.
Section 5. AUTHORITY FOR AMENDING BY-LAWS.

This by-law may be amended by vote of the town at either an annual or a special town meeting.

Section 6. SEVERABILITY

The provisions of this by-law are severable. If a court of competent jurisdiction determines by a final judgement that a provision of this by-law is invalid or unenforceable, such judgement shall not affect the validity of the other provisions of the by-law which shall remain in force and effect.

Attorney General Approval NOT Required For This By-law. (Oct 18, 1999)

Apr 24, 2000 ARTICLE 18: RECREATIONAL CAMP LICENSES
Voted unanimously to adopt the following by-law:

Section 1: The annual fee for each original or renewal license for recreational camps shal be fifty dollars ($50.00)

Approved by the Attorney General June 30, 2000

Apr 24, 2000 ARTICLE 21: FIRE ALARM SYSTEM - FIRE DEPARTMENT
Voted unanimously to adopt the following by-law:

FIRE ALARM SYSTEM BY-LAW

PURPOSE:

False fire alarms have a deleterious effect on local fire protection efforts. They cause unnecessary deployment of Fire Department personnel and equipment and related unnecessary expense. They subject Fire Department personnel and equipment to potential injury and other negative impacts when responding to false fire alarms. The deployment of personnel and equipment in response to a false fire alarm exposes other areas of the town to

greater fire hazards. This by-law is intended to deter record owners of buildings which are equipped with an Alarm System from allowing False Alarms from occurring so as to enhance the efficient operation of the Middleborough Fire Department.

DEFINITIONS:

The following terms shall have the meanings as set forth herein for purposes of this by-law:

ALARM SYSTEM shall mean an assembly of equipment and devices or a single device such as a solid state unit arranged to signal or indicate the presence or existence of a fire requiring urgent attention to which Fire Department personnel are expected to respond.

FALSE ALARM shall mean activation of an Alarm System which produces a signal or indication received by the Fire Department or a communication from a licensed Central Monitoring Station to the Fire Department which signal, indication or communication indicates the presence or existence of a fire at a specific building in which the Alarm System is located and which results in deployment of Fire Department personnel to the specific building, when in fact, there was or is no fire at the specific building. Receipt by the Fire Department of such a signal, indication or communication which indicates the presence or existence of a fire at a specific building and which results in deployment of Fire Department personnel to the specific building shall not be a False Alarm for purposes of this by-law if such activation or communication was caused by or arose from acts of nature including but not limited to power outages, storms, lightening, earthquakes or other weather events or atmospheric disturbances.

Section 1. The record owner of a building which is equipped with an Alarm System shall maintain the Alarm System so as to prevent a False Alarm from occurring with respect to the Building's Alarm System. The record owner of a building which is equipped with an Alarm System shall take reasonable action to prevent a False Alarm from occurring with respect to the building's Alarm System.

Section 2. The record owner of a building which is equipped with an Alarm System shall violate this by-law if a False Alarm in excess of three (3) False Alarms occurring during a calendar year with respect to such building and Alarm System.

Section 3. Violation of Section 2 of this by-law shall be punished by a fine of not more than Three Hundred Dollars ($300.00) for each violation. Each such False Alarm in excess of three (3) False Alarms during a calendar year shall be a separate violation under Section 2.

Section 4. The record owner of a building which is equipped with an Alarm System shall be liable for and assessed a False Alarm Service Fee for each False Alarm which occurs with respect to such building and Alarm System. The False alarm Service Fee shall be One Hundred Dollars ($l00.00) for each False Alarm and shall be payable to the Town of Middleborough. The Fire Chief shall give notice in writing to a record owner who is subject to a False Alarm Service Fee hereunder of the liability for and assessment of a False Alarm Service Fee. The record owner shall pay the False Alarm Service Fee to the Town Treasurer within fifteen (15) days after the Fire Chief gives such notice.
Section 5. A fine imposed under Section 3 and a False Alarm Service Fee assessed under Section 4 with respect to a single False Alarm incident shall not exceed a combined total amount of Three Hundred Dollars ($300.00).

Approved by the Attorney General June 30, 2000

Sep 18, 2000 ARTICLE 11 - TOWN MEETING QUORUM
Voted by a majority vote to rescind the existing town by-law, which regulates the required quorum at Town Meetings under Article 1, Section 2 of the Town General By-laws and which was last amended by a Town Meeting held on June 1, 1942, and adopt the following by-law:

Section 1. The presence of 150 registered voters at a Town Meeting shall constitute a quorum in order to begin the business of the Town Meeting.

Section 2. The presence of 100 registered voters during the initial session of a Town Meeting, or at any adjourned session of a Town Meeting shall constitute a quorum in order to continue the business of the Town Meeting once the Town Meeting has begun with the quorum required under Section 1 of the by-law.

Section 3. Any number of registered voters less than a quorum under Section 1 or Section 2 of the by-law may

from time to time adjourn a Town Meeting or dissolve a Town Meeting.

Approved by the Attorney General January 4, 2001

Sep 18, 2000 ARTICLE 13 - CABIN & MOTEL LICENSE FEES

Voted unanimously to adopt the following by-law:

Section 1. The annual fee for each original or renewal license for cabins, motels or manufactured housing communities shall be fifty dollars ($50.00).

Approved by the Attorney General January 4, 2001

Sep 18, 2000 ARTICLE 30 - WATER USE RESTRICTION BY-LAW

Voted by a majority vote to adopt the following Water Use Restriction By-law for the purpose of protecting the the Municipal Water Supply:

Water Use Restriction By-Law

Section 1. Authority

This by-law is adopted by the town under its police powers to protect public health and welfare, its powers under M.G.L. Chapter 40 Section 21 and Chapter 43B, Section 13 and implements the town's authority to regulate water use pursuant to M.G.L. Chapter 41 Section 69B. This by-law also implements the town's authority under M.G.L. Chapter 40, section 41A, conditioned upon a declaration of a state of water emergency issued by the Department of Environmental Protection.

Section 2. Purpose

The purpose of this by-law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Emergency by providing for enforcement of any duly imposed restrictions, conditions or requirements imposed by the town or by the Department of Environmental Protection with respect to the use of water supplied by the Town of Middleborough to all water users.

Section 3. Definitions

Person - shall mean any individual, corporation trust, partnership or association, or other entity.

State of Water Emergency - shall mean a State of Water Emergency declared by the Department of Environmental Protection under M.G.L. Chapter 21G, Section 15.

State of Water Supply Conservation - shall mean a State of Water Supply Conservation declared by the Town acting by and through its Board of Selectmen pursuant to Section 4 of this by-law.

Water Users or Water Consumers - shall mean all persons who use water supplied by the Town of Middleborough at any facility or location irrespective of any person's responsibility for billing purposes for water used at any particular facility or location.

Section 4. Declaration of a State or Water Supply Conservation

The town through its Board of Selectmen may declare a State of Water Supply Conservation upon a determination by the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Supply conservation shall be given under Section 6 of this by-law before warnings may be given or violations may be prosecuted under Section 9.

Section 5 - Restricted Water Users

A declaration of a State of Water Supply Conservation Shall include one or more of the following restrictions, conditions, or requirements limited the use of water as necessary to protect the water supply as determined by the Board of Selectmen. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 6.

a) Odd/Even Day Outdoor Watering - Outdoor watering by water users with odd numbered street addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered street address is restricted to even numbered days.

b) Outdoor Watering Ban - Outdoor watering is prohibited.

c) Outdoor Watering Hours - Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.

d) Filling Swimming Pools - Filling of swimming pools is prohibited.

e) Automatic Sprinkler Use - The use of outdoor automatic sprinkler systems is prohibited.

f) Such other restrictions, conditions or requirements limiting the use of water as necessary to protect the water supply as determined by the Board of Selectmen.

Section 6 - Public Notification of a State of Water Supply Conservation; Notification of D.E.P.

The Board of Selectmen shall give public notice of any declaration of a State of Water Supply Conservation by publishing such notice in a newspaper or newspapers of general circulation in the towns in which all facilities and locations which use water supplied by the town are located. Such notice shall include any restriction, condition or requirement which was imposed by the Board of Selectmen under Sections 4 and 5 of the by-law pursuant to a declaration of a State of Water Supply Conservation. Any restriction, condition or requirement imposed under Sections 4 and 5 of the by-law shall not be effective until the day following such publication of public notice. The Board of Selectmen shall provide written notice of any declaration of a State of Water Supply Conservation to the Department of Environmental Protection.

Section 7 - Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by the Board of Selectmen upon a determination that the water shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by Section 6.

Section 8 - State of Water Emergency; Compliance with D.E.P. Orders

Upon notification to the public that a declaration of a State of Water Emergency has been issued by the Department of Environmental Protection, no person shall violate any restriction, condition or requirement of any order issued by the Department pursuant to M.G.L. Chapter 21G, Section 17.

Section 9 - Penalties

Any person who violates a restriction, condition or requirement imposed by the Board of Selectmen under a declaration of a State of Water Supply conservation under Sections 4 and 5 of the by-law and any person who violates a restriction, condition or requirement of any order issued by the Department of Environmental Protection pursuant to M.G.L Chapter 21G Section 17 shall be liable to a fine of fifty dollars ($50.00) for the first offense and one hundred dollars ($100.00) for each subsequent offense, which fines shall inure to the town. Fines shall be recovered by complaint before the District Court. Each day that a violation exists shall constitute a separate offense.

Section 10 - Enforcement.

This by-law may be enforced by police officers of the Town of Middleborough by the Superintendent of the Town of Middleborough Water Department or by the Board of Selectmen.
Section 11 - Severability

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

Approved by the Attorney General January 4, 2001

Sep 18, 2000 ARTICLE 31 - COUNCIL ON AGING BOARD OF DIRECTORS BY-LAW
Voted unanimously to amend the existing Council on Aging Board of Directors Town By-law by rescinding existing Section 2 thereof and replacing it with the following, said existing Section 2 to remain in effect until the following becomes effective:

Section 2 - The Council on Aging Board of Directors shall be responsible to the Board of Selectmen, and its members shall serve without compensation. The Council on Aging Board of Directors, within the limits of available funds, may appoint such clerks and other employees as it may require. The Council on Aging Board of Directors may appoint a person to hold the position of Executive Director of the Council on Aging. The Council on Aging Board of Directors may, from time to time and in writing, delegate to the Executive Director whatever of is powers and authority the Board of Directors deems necessary or expedient to carry out the programs of the Council on Aging. The Council on Aging Board of Directors, may from time to time and in writing, revoke any delegation of powers or authority hereunder.

Approved by the Attorney General January 4, 2001

Sep 24, 2001 ARTICLE 24 - TREASURER & TAX COLLECTOR (REVISED)
Voted unanimously to rescind the by-law adopted under Article 9 of the February 8, 1937 town meeting, which by-law fixed the term of office of the Town Treasurer and Collector of Taxes, and to adopt the following by-law:

Beginning at the Annual Election to be held in 2002, and at the Town Election every three years thereafter, the town shall elect by ballot a Town Officer to be known as the Town Treasurer and Collector of Taxes for the term of three years.

Approved by the Attorney General November 27, 2001

Sep 24, 2001 ARTICLE 28 - SILLY STRING
Voted to adopt the following by-law:

Section 1: Purpose:

The town has experienced problems with persons discharging "Silly String" in and around public ways of the town. "Silly String" is causing a deterioration of the aesthetics of the community and damage to personal property. The public safety, health and welfare are adversely affected by the discharge of "Silly String" at parades and other public gatherings. It is the purpose and intent of this by-law to eliminate the adverse secondary effects caused by this product, with those secondary effects having been confirmed by reports that the product has caused damage to personal property.

Section 2: Definitions:
SILLY STRING - An aerosol device that upon discharge emits a string-like substance.

Section 3. The possession at parades of "Silly String" within the Town of Middleborough is prohibited in, on or within public ways of the town, including without limitation, any sidewalks thereof.

Section 4. Any person who violates a provision of Section 3 of this by-law may be subject to a fine of not more

than Three Hundred Dollars ($300.00) for each violation.

Approved by the Attorney General November 27, 2001

JUN 3, 2002 ARTICLE 25 - RAPID ACCESS KEY BOXES (FIRE DEPT)

Voted by a majority vote to adopt the following by-law:
A by-law providing for Rapid Access Key Boxes for the use of the Fire Department in time of emergency.

Section 1. By-law of the Town of Middleborough
The Town of Middleborough hereby adopts a by-law of which shall provide as follows:

Section 2. Mandatory Rapid Access Key Boxes for Automatic
A building that is protected by an automatic alarm system, fire suppression and/or a standpipe system is difficult because of secured openings, and where immediate access is necessary for life saving or firefighting purposes, a Rapid Access Key Box shall be installed by the owner(s) of the property at a location approved by the Town of Middleborough Fire Chief or his designee. The Rapid Access Key Box shall be a type and size approved by the Fire Chief or his designee.

Section 3. Rapid Access Key Box Tamper Switch
The Town of Middleborough Fire Chief or his designee may require the owner(s) of the property to install a Rapid Access Key Box tamper switch connected to the building's fire alarm system, if necessary.
Section 4. Security Padlocks
When a property is protected by a locked fence or gate an where immediate access is necessary for life saving or firefighting purposes, the Town of Middleborough Fire Chief or designee may require the owner(s) of the property to install a security padlock. The padlock shall be a type and size approved by

Section 5. Security Caps
When a building is protected by an automatic sprinkler or standpipe system and the Fire Department connection that is exposed to undue vandalism, the Town of Middleborough Fire Chief or designee may require the owner(s) of the property to install a Fire Department Connection security cap(s). The Fire Department Connection security cap(s) shall be a type approved by the Fire Chief or his designee.

Section 6. Non-Applicability to Certain Dwellings
The term "building" used herein means any building or structure located in the Town of Middleborough, whether privately or publicly owned, including, without limitation, any building owned by the Town of Middleborough, the Town of Middleborough School Department, any Housing Authority or any other public, quasi-public, or private entity or person provided. However, this ordinance shall not apply to owner occupied one and two family dwellings.

Section 7. Rapid Response Key Boxes
The rapid response key boxes shall contain the following:

a) Keys to locked points of egress, whether in interior or exterior of such buildings;
b) Keys to the locked mechanical rooms;
c) Keys to the locked elevator rooms;
d) Keys to elevator controls:
e) Keys to any other area that may be required by the Fire chief or his designee;
f) A card containing the emergency contact people and phone numbers for such building;

In addition, floor plan of the rooms within the building may be required.

Section 8. Time for Compliance
All existing buildings shall comply with this by-law within one (1) year from its effective date. All newly constructed buildings not yet occupied or buildings currently under construction and all buildings or businesses applying for a certificate of occupancy shall comply within thirty (30) days after the effective date of this by-law.

Section 9. Penalty

Failure to comply with this by-law shall be punished by a fine of $100.00, or, in the case of a continuing offense after notice of such violation, to a fine of not more than $100.00 for every day which the violation continues.

Approved by the Attorney General October 9, 2002

JUN 3, 2002 ARTICLE 32 - RESCIND PLUMBING & GAS FEES

Voted unanimously to rescind the plumbing and gas permit fee schedules by-law that was adopted by Article 3 of the 1993 Special Town Meeting.

Approved by the Attorney General October 9, 2002

FEB 24, 2003 ARTICLE 15 - DIVERTING OF TOWN WATER

Voted unanimously to adopt the following by-law:

Section 1. No person shall take, divert or use water from the Town's public water distribution unless authorized to do so by the Town Water Department.

Section 2. Whoever violates Section 1 of this by-law shall be punished by a fine of not more than Three Hundred Dollars ($300.00) for each violation.

Approved by the Attorney General March 18, 2003

SEPT 29, 2003 ARTICLE 14 - SCHOOL COMMITTEE BUDGET

By a counted vote of Yes, 323 and No, 88, it was voted to adopt the following by-law:

Section 1. The School Committee shall make available to voters who attend the Annual Town Meeting a summary of the School Department annual budget for the year for which appropriation is sought at the Annual Town Meeting by providing copies of the summary budget at the Annual Town Meeting prior to the start of the Annual Town Meeting.

Section 2. The summary of the budget to be made available under Section 1 shall contain line item amounts for the various accounts or categories used by the School Committee in establishing the budget approved by the School Committee for the fiscal year for which appropriation is sought at the Annual Town Meeting and shall also contain amounts for such line items as approved by the School Committee for the current fiscal year and amounts which have been expended with respect to such line items through March 31st of such current fiscal year.

Section 3. In acting on appropriations for the School Committee Budget, the Town Meeting shall vote on the total amount of the appropriations for the entire budget and shall not allocate appropriations among accounts or place any restrictions on such appropriations.

Approved by the Attorney General November 14, 2003

JUNE 7, 2004 ARTICLE 34 - STRUCTURE DEMOLITION BY-LAW AMENDMENT

Voted by a majority vote to amend the Structure Demolition By-law, approved by Town Meeting vote in 1991 and amended in 1993, as follows:

3.6

If the Commission determines that the demolition of the Significant Structure would be detrimental to the historical or architectural heritage resources of the town, and such structure shall be considered to be a "Preferably Preserved Significant Structure". At this time the Commission shall give a written statement to the owner(s) of said structure and all concerned parties, as well as the Building Inspector and any other town offices that the Commission deems necessary to notify, outlining and defining the reason(s) for such determination. In order to allow the applicant(s) of a Preferably Preserved Significant Structure the time to find alternative methods as opposed to demolition, no demolition permit shall be issued for the structure in question for a period of not more than twelve (12) months from the date of such determination by the Commission. If the building is listed as a National Register property, either individually or as a contributing resource within a National Register District, the period

shall be no more than 18 months.

Approved by the Attorney General August 16, 2004

Oct 18, 2004

ARTICLE 6 - WEIGHTS & MEASURES FEES

Voted unanimously to rescind the existing by-law providing for fees for sealing weighing and measuring devices adopted at the October 10, 1990 Special Town Meeting and to adopt the following by-law to replace the existing by-law, such rescission to become effective when the by-law becomes effective:

The following fees shall be assessed for sealing the following weighing and measuring devices:

Scales, Balances & Weights

1. Each scale with a weighing capacity of more than ten thousand pounds from $75 to $100.
2. Each scale with a weighing capacity of five thousand to ten thousand pounds from $50 to $60.
3. Each scale with a weighing capacity of one thousand to five thousand pounds from $30 to $40.
4. Each scale with a weighing capacity of one hundred to one thousand pounds from $20 to $25.
5. Scales and balances with a weighing capacity of more than ten pounds and less than one hundred pounds from $10 to $20.
6. Scales and balances with a weighing capacity of ten pounds or less from $10. to $15.
7. All weights (avoirdupois, apothecary, metric) from $.50 to $1.

Liquid Measuring Devices

1. Gasoiline and diesel meters from $10. to $20.
2. Vehicle tank meters (oil trucks) from $20 to $50.

Miscellaneous Measuring Devices

1. Fabric measures from $10 to $20.
2. Cordage measures from $10 to $20.
3. Linear measures (yard sticks, etc.) from $10 to $10 (no change).

Scanners

1. Automated retail checkout systems with less than 4 units $75.
2. Automated retail checkout systems with 4 units and not more than 11 units $150.
3. Automated retail checkout systems with more than 11 units $250.

Approved by the Attorney General November 24, 2004

May 21, 2007

ARTICLE 22 - RIGHT TO FARM

Voted unanimously to adopt the following By-law:

RIGHT TO FARM BY-LAW

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A, and Chapter 128, Section 1A. We the citizens of Middleborough restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Middleborough by allowing agricultrual uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions
The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:
Farming in all its branches and the cultivation and tillage of the soil;

dairying;

production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultura, viticultural, or horticultural commodities;

growing and harvesting of forest products upon forest land, and any other forestry or lumbering iperations.

raising of livestock including horses;

keeping of horses as a commercial enterprise; and

keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches, and rheas) and camelides (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

operation and transportation of slow-moving farm equipment over roads within the Town;

control of pests, including, but not limited to, insects, weeds, predators, and disease organism of plants and animals;

application of manure, fertilizers and pesticides;

conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;

processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;

maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and

on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right to Farm Declaration
The Right to Farm is hereby recongnized to exist within the Town of Middleborough. The above described agrcultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agrcultural practices. It is hereby determined that whatever impact may be caused to others throught the normal practice of agrculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of the By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in the Right to Farm By-law shall be deemed as acquiring any interest in land, or as
imposing any land use regulation, which is properly the subject of the state statute, regulation, or local zoning law.

Section 4 Disclosure Notification
Within 30 days after this By-law becomes effective, the Board of Selectmen shall prominently post in the Town Hall, and make available for distribution the following disclosure:

"It is the policy of this community to conserve, protect, and encourage the maintenance and improvement of agricultural land

for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur.
Such farming activities may include, but are not limited to, activities that cause noise, dust, and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations, including the ability to access water services for such property under certain circumstances"

In addition to the above, copies of this disclusure notification shall be available in a public area at the Town Hall, Town Clerk, and posted in the Middleborough Public Library.

Section 5 Resolution of Disputes
Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other availale remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Sevedrability Clause
If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Middleborough hereby declares the provisions of this By-law to be severable.

Approved by the Attorney General July 23, 2007.

May 13, 2008 ARTICLE 25 - IMPOUNDING OF DOGS
Voted unanimously to adopt the following By-law:
Impounding of Dogs
The owner or keeper of a dog impounded at the Middleborough Dog Shelter shall pay a fee of $10.00 for each day the dog is held at the shelter. Licensed dogs will be released upon payment of fees.

Approved by the Attorney General September 29, 2008

May 26, 2009 ARTICLE 17 - Voted by a majority vote to adopt the following by-law:

PUBLIC USE OF MARIHUANA (MARIJUANA)

1. No person shall smoke, ingest, or otherwise use or consume marihuana (marijuana) or tetrahydrocannabinol as defined in Massachusetts General Laws, chapter 94C, Section 1, as amended, while in or upon any street, sidewalk, public way, footpath, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town of Middleborough, or any of its boards or officers, or in or upon any bus or other passenger conveyance operated by common carrier, or in any place accessible to the public.

2. The term "place accessible to the public" as used herein shall mean and be construed to include any way or place to which members of the public have access as invitees or licensees.

3. Whoever violates Section 1 of this by-law shall be punished by a fine of Three Hundred ($300.00) Dollars for each violation.

Approved by the Attorney General August 10, 2009

June 6, 2011 ARTICLE 23- Voted by a majority vote to adopt the following by-law:

COMMUNITY PRESERVATION BY-LAW

Section 1: Establishment
The Town of Middleborough hereby establishes a Community Preservation Committee, consisting of nine (9) voting members pursuant to M.G.L. Chapter 44B, Section 5. The composition of the Committee, the appointing authority and the term of office for the Committee members shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of three years.

One member of the Housing Authority as designated by the Authority for a term of three years.

One member of the Planning Board as designated by the Board for an initial term of two years and thereafter for a term of three years.

One member of the Park Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.

Two at-large members to be appointed for a term of two years and thereafter for a term of three years.

Two at-large members to be appointed for a term of one year and thereafter for terms of three years.

The initial four at-large members shall be appointed by majority vote during a joint meeting of the statutory members of the Community Preservation Committee and the Board of Selectmen. Further prior to this joint meeting, the Board and the Committee shall each receive the applications of interested persons and may interview the applicants. Thereafter, the appointment of at-large members shall be by majority vote during a joint meeting of the Board of Selectmen and all members of the Community Preservation Committee.

Notwithstanding the terms of office set forth above, in the event that a person no longer serves in the position or on the commission, board or authority designated above, such person shall be deemed to have vacated his or her position on the Community Preservation Committee.

Should any of the commissions or boards who have appointing authority under this Section be no longer in existence for whatever reason, the appointing authority for that commission, board or authority shall become the responsibility of the Board of Selectmen.

Section 2: Duties

1. The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including but not limited to, the Board of Selectmen, the Conservation Commission, the Historical Commission, the Planning Board, the Parks Commissioners and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding Community Preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.

2. The Community Preservation Committee shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created with Community Preservation Funds. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

3. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside, for later spending, funds for specific purposes that are consistent with Community Preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

Section 3: Requirement for a quorum and cost estimates

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include their anticipated costs.

Section 4: Amendments

This bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

Section 5: Severability

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

Section 6: Effective Date

Following Town Meeting approval, this bylaw shall take effect under and pursuant to the procedures and requirements of General Laws Chapter 40, Section 32. Each designating and appointing authority shall have thirty days after the bylaw takes effect to make their initial appointments.

Approved by the Attorney General September 12, 2011

October 3, 2011 ARTICLE 14 - Voted unanimously to rescind the dog license fee by-law adopted under Article 34 of the Annual Town Meeting, such rescission to be effective on January 1, 2013, and to adopt the following by-law:

FAILURE TO LICENSE - LATE FEE

Section 1. The license period applicable to licenses for dogs required to be obtained under General Laws Chapter 140 by an owner or keeper of a dog shall be the time in a year between January first and the following December thirty-first, both dates inclusive.

Section 2. The owner or keeper of a dog which is required to be licensed under General Laws Chapter 140 shall cause the dog to be licensed for a license period before April first of the license period. If the owner or keeper fails to obtain a license for the dog by April first of the license period, such owner or keeper shall be liable for a late fee of Ten Dollars ($10.00) to be collected by the Town Clerk at the time the Town Clerk issues a license for the dog. The late fee shall be in addition to license fees, fines, penalties and forfeitures otherwise provided by law. The Town Clerk shall pay all late fees received into the Town treasury.

Section 3. This by-law shall become effective on January 1, 2013.

Approved by the Attorney General January 9, 2012

October 3, 2011 ARTICLE 13 - Voted unanimously to adopt the following by-law:

PAWNBROKER LICENSE FEE

The fee for a license as a pawnbroker or renewal thereof shall be One Hundred Dollars ($100.00) per license year.

Approved by the Attorney General January 9, 2012

June 11, 2012 ARTICLE 23 - Voted by a majority vote to rescind the Fuel Oil Storage and Gasoline Storage By-Laws in their entireties and substitute the following new By-Law:

FUEL OIL AND GASOLINE STORAGE

The fee for a new or amended license for keeping, storage, manufacture or sale of fuel oil under Chapter 148, Section 13 shall be Fifty Dollars ($50.00).

The fee for an annual certificate of registration for keeping, storage, manufacture or sale of fuel oil under Chapter 148, Section 13 shall be Thirty Dollars ($30.00).

The fee for a new or amended license for keeping, storage, manufacture or sale of gasoline under Chapter 148, Section 13 shall be Thirty Dollars ($30.00) per nozzle.

The fee for an annual certificate of registration for keeping, storage, manufacture or sale of gasoline under Chapter 148, Section 13 shall be Twenty-Five Dollars ($25.00) per nozzle.

By-law effective 1/3/2013

June 11, 2012 ARTICLE 24 - By a counted vote of yes, 183 no, 50 it was voted to adopt the following by-law:

NON-CRIMINAL DISPOSITION BY-LAW

Section 1. Violation of any Town by-law identified in Section 2 hereof may in the discretion of the Town officer who is the appropriate enforcing person be enforced in the manner provided under Section 21D of Chapter 40 of the Massachusetts General Laws. The enforcing person taking cognizance of a violation of any such by-law which the enforcing person is empowered to enforce, as an alternative to initiating criminal proceedings, may give to the offender a written notice to appear before the clerk of the district court having jurisdiction thereof at any time during office hours not later than twenty-one days after the date of such notice.

The non-criminal fine for each such violation shall be the amount identified in Section 2 hereof.

Section 2. The by-laws which are subject to this by-law and related penalties/fines are as follows:

By-law	Penalty/Fine
By-law regarding use of highways and streets (Adopted under Article 5 of March 7, 1927 Town Meeting)	$20.00
By-law regarding disorderly conduct (Adopted under Article 7 of March 27, 1927 Town Meeting)	$20.00
By-law regarding disorderly conduct (Adopted under Article 7, October 3, 1972 Town Meeting)	$50.00
By-law regarding public consumption of alcoholic beverages (Adopted under Article 7 of November 26, 1973 Town Meeting)	$50.00
By-law regarding public profanity (Adopted under Article 8 of October 28, 1968 Town Meeting)	$20.00
By-law regarding obstruction of roadway with snow or ice (Adopted under Article 11 of March 13, 1972 Town Meeting)	$50.00
By-law regarding public use of marijuana (Adopted under Article 17, of May 26, 2009 Town Meeting)	$300.00

Section 3. The phrase "enforcing person" as used in this by-law shall mean any Town of Middleborough police officer with respect to any violation.

Section 4. The provisions of Section 21D of Chapter 40 of Massachusetts General Laws shall apply to enforcement actions under this by-law.

By-law effective 1/3/2013

June 11, 2012 ARTICLE 25- By a counted vote of yes, 111 no, 55 it was voted to adopt the following by-law:

Regulation of Licenses for Purchase, Sale or Barter
of Junk, Old Metals or Second Hand Articles

Section 1: Every person or party who is a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles shall have a license issued by the Board of Selectmen. The license issued by the Board of Selectmen shall be subject to applicable provisions of General Laws Chapter 140 including without limitations Section 54 and Sections 202 to 205 inclusive.

Section 2: Any person or party holding a license or who is required to have a license pursuant to this by-law (hereafter "licensee") who in the course of business buys, trades for, barters for or otherwise acquires precious metals, jewelry of business buys, trades for, barters for or otherwise acquires precious metals, jewelry or gemstones shall hold such items for a period of thirty (30) days from the date of acquisition of the items before selling, trading, bartering or otherwise disposing of the items. During the thirty (30) day period, a licensee shall not melt or otherwise alter the appearance of such items.

Section 3: A licensee shall submit to the Middleborough Chief of Police a weekly report of all precious metals, jewelry or gemstones acquired by the licensee during the week prior to the report. Reports shall be written in English and legible. Reports shall include as to each such item: (1) a description of each item; (2) the date the item was acquired; and (3) the name, address, date of birthand driver's license number/state of issue of the person from whom the item was acquired. A weekly report shall be submitted on Monday or Tuesday of each week and shall include all such items acquired during the week prior to the date the report is submitted (Sunday through Saturday inclusive).

Section 4: A licensee may store and transmit reports required under Section 3 electronically subject to approval of the format of the reports by the Chief of Police.

Section 5: A licensee shall take a color photograph of all persons from whom the licensee acquires precious metals, jewelry or gemstones. A licensee shall also take a color photograph of all precious metals, jewelry and gemstones acquired by the licensee. The licensee shall retain the color photographs of the persons and items for not less than thirty (30) days from the date of acquisition of the items depicted in the photographs and shall make the photographs available for review by members of the Middleborough Police Department upon request.

Section 6: Definitions
As used in this by-law the following words and phrases shall have the following meanings:
"precious metals", items containing gold, silver or platinum in whatever form; "jewelry", items containing precious metals, sometimes set with gemstones, intended for wear for personal adornment, including without limitation watches, pocket watches and other devices for keeping time; "gemstones", diamonds or other precious stones consisting of mineral or petrified material and used or suitable for use in jewelry.

Section 7: Whoever violates any provision of this by-law shall be subject to a fine of Three Hundred Dollars ($300.00) for each violation.

By-law effective 1/3/2013

October 1, 2012 ARTICLE 16- Voted unanimously to adopt the following by-law:
Section 1. The Town of Middleborough Historical Commission (the "Commission") shall have the authority on behalf of the Town to maintain the following historic, private cemeteries in Middleborough:

*Fall Brook Cemetery
*Halifax Cemetery
*Pierce Cemetery
*Reed Cemetery/Marion Road
*Sachem Street Cemetery
*Summer Street Cemetery
*Taunton Street Cemetery

Authority to maintain the said cemeteries shall include maintenance of burial lots in the cemeteries. Maintenance shall be

limited to materials and services provided in connection with such maintenance.

Section 2. The Commission may engage one or more persons or parties to provide maintenance at the cemeteries or to make agreements on behalf of the Commission for such maintenance.

Section 3. The Commission shall be authorized to expend available income from the cemetery trust funds which relate to said cemeteries and which are held by the Town Treasurer and Collector of Taxes for maintenance expenses with respect to said cemeteries. Provided that the available income from a trust fund for a particular cemetery may be expended for maintenance expenses relating solely to that particular cemetery. And provided that the Commission shall not incur maintenance expenses for a particular cemetery which exceed the available income from the trust fund for the particular cemetery.

By-law effective 6/13/2013

~~October 6, 2014~~ ~~ARTICLE 23- Voted by majority vote to amend the Litter by-law adopted under Article 8 of the Town Meeting held on March 7, 1927 by adding the following section:~~
~~Section 2 - Whoever violates Section 1 of this bylaw shall be punished by a fine of Two Hundred Dollars ($200.00) for each violation.~~

~~ARTICLE 8 (3/7/1927) and ARTICLE 23 (10/6/2014) - LITTER~~
~~Section 1: No person shall distribute paper, circulars or advertisements through the public streets or public places in the town in such a manner as to make a litter, or to create a disturbance.~~
~~Section 2 - Whoever violates Section 1 of this bylaw shall be punished by a fine of Two Hundred Dollars ($200.00) for each violation.~~

~~Approved by the Attorney General December 29, 2014~~
~~By-law effective February 5, 2015~~
RESCINDED 4/27/2015

April 27, 2015 ARTICLE 19- Voted by majority vote to rescind the Town litter by-law under Article 8 of the warrant for the Town Meeting held on March 17, 1927 as amended under Article 23 of the warrant for the October 6, 2014 Special Town Meeting and to adopt the following by-law:

Section 1. No person shall place, throw, deposit, or discharge trash, bottles or cans, refuse, rubbish, garbage, scrap, waste, or other material of any kind, in or on the public streets, public places, or any place that is controlled or cared for by the town or its agents or any private property, except property which is owned or leased as a lessee by the person.

Section 2. Section 1 of this by-law shall not apply to placing or depositing trash, refuse or litter on property or in a receptacle which has been designated, assigned or provided by the Town for dumping, placing or depositing trash or refuse.

Section 3. Whoever violates Section 1 of this by-law shall be punished by a fine of Two Hundred Dollars ($200.00) for each violation.

Approved by the Attorney General 8/11/2015
By-law effective 9/3/2015 after second publication

April 27, 2015 ARTICLE 22- Voted unanimously to adopt the following by-law:

Section 1. The Town Clerk or an agent designated by the Town Clerk shall be authorized to assign appropriate numbers to sections, subsections, paragraphs and subparagraphs of Town general by-laws and zoning by-laws, where none is approved by Town Meeting.

Section 2. Where Town Meeting has approved numbering of sections, subsections, paragraphs and subparagraphs of Town general by-laws and zoning by-laws, the Town Clerk or an agent designated by the Town Clerk, after consultation with the

Town Manager, shall be authorized to make non-substantive editorial revisions to the numbering to ensure consistent and appropriate sequencing, organization and numbering of the by-laws.

Approved by the Attorney General 8/11/2015
By-law effective 9/3/2015 after second publication

April 27, 2015 ARTICLE 25- Voted by majority vote to adopt the Wetland Act - Fee/Charge By-law as printed in the warrant with one change, to wit, that "Duplicate Original Order of Conditions" in the Filing Fee/Charge Schedule in Section 2 instead be "Creation of Duplicate Original Order of Conditions," and further pursuant to Section 53E½ of Chapter 44 of the General Laws, as amended, to authorize establishment of a revolving fund during Fiscal Year 2016 to fund certain operations of the Conservation Commission in carrying out activities pursuant to the Wetlands Protection Act and related site regulations, with the source of money for the fund to be the fees/charges received by the Commission pursuant to the Wetland Act-Fee/Charge By-law and with the amount to be expended by the Commission from the fund not to exceed $15,0000.00.

Approved by the Attorney General 8/11/2015
By-law effective 9/3/2015 after second publication

October 5, 2015 ARTICLE 27- Voted by majority vote to adopt the following By-Law, pursuant to General Laws Chapter 6, section 172B ½ to enable the Police Department to conduct State and Federal fingerprint-based criminal history checks for individuals who apply for certain occupational licenses.

CRIMINAL HISTORY CHECK AUTHORIZATION
(CIVIL FINGERPRINTING)

Section 1 Purpose and Scope
To enhance public safety, this by-law authorizes the Police Department to conduct state and national fingerprint-based criminal history checks for individuals applying for specific Town-issued licenses or permits, as authorized by Massachusetts General Laws Chapter 6, Section 172B 1/2. To carry out the criminal history checks authorized by this by-law, the Police Department shall be authorized to use State and Federal Bureau of Investigation (FBI) records, provided, however, that such records shall not be disseminated to unauthorized entities and shall be maintained and disclosed in accordance with all applicable law.
Section 2 Regulations
This by-law further authorizes the Board of Selectmen, in consultation with the Chief of Police, to promulgate regulations to implement this by-law, which may include, but shall not be limited to, establishment of submission deadlines, procedures for making recommendations to the licensing authority or making a licensing determination as a result of the criminal history check, procedures for assessing, correcting or amending any such record and establishing criteria for fitness determinations, confidentiality of information obtained and penalties for failure to comply with this by-law.
Section 3 Definitions
For purposes of this by-law, the following words shall have the meanings herein given in this section.
Criminal History Check - A state and national fingerprint based criminal history background check, as authorized by G.L. c. 6, s 172B 1/2.
DCJIS - The Massachusetts Department of Criminal Justice Information Services.
FBI - The Federal Bureau of Investigation, United States Department of Justice.
License - A license or permit issued by the Town of Middleborough, or any board, officer, or department thereof, which is identified in Section 4A of the by-law.
Licensing Authority - A board, officer or department of the Town of Middleborough authorized by the General Laws of Massachusetts or Town by-law to issue a license or permit listed in Sections 1 and 2 of this by-law.
Town - Town of Middleborough, Massachusetts
Section 4 Criminal History Check Authorization
A. Occupational Licenses. The Police Department shall, as authorized by G.L. c.6 s.172B 1/2, conduct state and federal fingerprint-based criminal history checks for individuals and entities listed on the license application, for the following occupational licenses, including renewals and transfers thereof:
(1) Hawking, soliciting and peddling or other door-to-door salespeople
(2) Manager of alcoholic beverage licensed establishment
(3) Dealer of second-hand articles (including Junk dealers and collectors)
(4) Pawn dealers
(5) Hackney and livery drivers and owners or operators of other conveyors of passengers

(6) Ice cream truck vendors
(7) Mobile food units

B. At the time of fingerprinting, the Police Department shall notify the individual being fingerprinted that the fingerprints will be used to check the individual's criminal history records and shall obtain the individual's consent in writing prior to conducting such criminal history checks.

C. Following receipt of an applicant's executed consent form and payment of the applicable fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, DCJIS, and/or the FBI or the legal successors of such agencies to conduct a criminal history check.

D. The Town authorizes the Massachusetts State Police, DCJIS and the FBI or the legal successor of each, to conduct fingerprint-based state and national criminal history checks consistent with this by-law for the license applicants specified in this by-law.

E. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such criminal history checks, consistent with this by-law and the Town's implementing regulations.

F. The Police Department shall communicate the results of fingerprint-based criminal history checks only to the authorized governmental licensing authority as necessary. State and FBI criminal history obtained pursuant under this by-law is confidential, shall be stored in a secure and confidential manner and shall be destroyed pursuant to DCJIS requirements.

Section 5 Standards for Licensing Authority Use of Criminal Record

A. A licensing authority is authorized hereunder to utilize the results of fingerprint-based criminal history checks exclusively for the limited purpose of determining the suitability of a license applicant in connection with an application for a license identified in this by-law or for its renewal or transfer.

B. A licensing authority may, at its sole discretion, deny a license application on the basis of the results of a fingerprint-based criminal history check if it determines that the results of the check render the subject unsuitable for the proposed licensed activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

C. A licensing authority is hereby authorized to deny an application for any license specified herein, including renewals and transfers of said licenses, from any person who is determined unsuitable for the license due to information obtained pursuant to this by-law.

D. Factors that shall be considered in making a determination of suitability shall include but not be limited to conviction of, or under pending indictment for, a felony or a misdemeanor that involved force or threat of force, possession of a controlled substance, a sex-related offense, or other crime that bears upon the subject's ability or fitness to exercise such license.

Section 6 Fee
The fee for conducting a fingerprint-based criminal history check shall be One Hundred Dollars ($100.00) for each check. That portion of the fee specified in G.L.c. 6, s.172B 1/2, shall be deposited into the Commonwealth of Massachusetts Firearms Fingerprint Identity Verification Trust Fund. The remainder of the fee is to be applied by the Town for costs associated with the administration of the fingerprinting program.

Approved by the Attorney General 1/15/2016
By-law effective 2/11/2016 after second publication