

**CODE OF BY-LAWS**  
**FOR THE**  
**TOWN OF SOUTHBRIDGE**



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**Madaline I. Daoust**  
**Town Clerk**

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**CHAPTER 1  
GENERAL PROVISIONS**

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***Section 1-101 By-laws - Definition, Enacting Style***

The town council may, by the adoption of by-laws, exercise any power or function which the state legislature has power to confer on it and which is not inconsistent with the state constitution or laws enacted by the state legislature or denied to the town by its home rule charter.

By-laws adopted by the Southbridge town council shall be effective in accordance with Section 12-4 of the Town Charter or on such later date as may be fixed by the town council. In accordance with the Town Charter, such by-laws shall not require the approval of the Attorney General of the Commonwealth.

The enactment form shall be substantially as follows:

“The town council of the Town of Southbridge in the exercise of powers conferred on it by Section 8 of Article LXXXIX of the amendments to the state constitution and by its own home rule charter does hereby adopt and enact the following:

Amend the code of by-laws of the Town of Southbridge by inserting..., or

Amend Section ... of the code of by-laws of the Town of Southbridge by...”

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***Section 1-102 How Code Designated and Cited***

The By-laws set forth in this and the following chapters and sections shall constitute and be designated as the "Code of By-laws, Town of Southbridge, Commonwealth of Massachusetts," and may be so cited.

***Section 1-103 Rules of Construction and Definitions***

In the construction of this code, and of all By-laws, the following rules shall be observed and the following definitions shall apply unless such construction would be inconsistent with the manifest intent of the governing body.

***Generally.*** The provisions of this code shall be liberally construed to affect the purposes expressed therein or implied from the expression thereof. Words and phrases shall be construed and understood according to their common and usual meaning unless the contrary is clearly indicated. Technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

***Agency.*** The word "agency" when used in conjunction with the word "office" (as in "office or agency") shall mean any multiple member body, or department, or any other division of the town administrative service, however designated or described.

***Charter.*** The terms "charter" or "town charter" shall mean the "home rule" charter of the Town of Southbridge, ratified by the voters at the annual town election held in 2003, as most recently amended.

***Chief Administrative Officer.*** The words "chief administrative officer" shall mean the Town Manager of the Town of Southbridge.

***Code.*** The word "code" shall mean the Code of By-laws, Town of Southbridge as designated in Section 1-102.

***Computation of time.*** The time within which an act is to be done as provided in any By-law or in any order issued pursuant to any By-law, when expressed in days, shall be computed by excluding the first day and including the last, if seven days or fewer, only business days (not including Saturdays, Sundays, or legal holidays) shall be counted; if more than seven days, every day shall be counted, provided, however, if the last day of the period so computed would fall on a Saturday, Sunday or a legal holiday the period shall end at five o'clock P.M. on the first business day following such Saturday, Sunday or legal holiday, except as may otherwise be required by law

***Council.*** The words "council" or "town council" shall mean the Town Council of the Town of Southbridge.

***County.*** The words "county" or "this county" shall mean the County of Worcester, or such other counties in which the town may lie.

***Gender.*** Words importing one gender shall include and apply to the other gender as well.

***Governing body.*** The words "governing body" shall mean the town council of the town of Southbridge.

***Heretofore, hereafter.*** Whenever the word "heretofore" occurs in any By-law it shall be construed to mean any time previous to the day when such By-law shall take effect; and whenever the word "hereafter" occurs it shall be construed to mean the time after the By-law containing such word shall take effect.

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**Joint authority.** All words purporting to give joint authority to three (3) or more town officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

**Month.** The word "month" shall mean a period of thirty days, or, if the context so requires, a calendar month.

**Number.** Words used in the singular include the plural and the plural include the singular number.

**Oath.** The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

**Owner.** The word "owner," applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such property.

**Person.** The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to natural persons.

**Personal property.** The words "personal property" shall include all tangible and intangible property other than real property.

**Preceding, following.** The words "preceding" and "following" shall mean next before and next after, respectively.

**Property.** The word "property" shall include real and personal property.

**Public way.** The term "public way" shall mean those ways appearing on the official list of public ways prepared by the Director of the Department of Public Works.

**Real property.** The words "real property" shall include lands, tenements, and hereditaments.

**Reasonable time.** In all cases where any By-law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

**Sidewalk.** The word "sidewalk" shall mean that portion of a street between the curb line and the adjacent property intended for the use of pedestrians.

**State.** The words "the state" or "this state" shall be construed to mean the Commonwealth of Massachusetts.

**Tenant, occupant.** The words "tenant" and "occupant," applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

**Tenses.** The use of any verb in the present tense shall include the future when applicable.

**Town.** The terms "the town" or "this town," shall mean the Town of Southbridge.

**Town officers and departments.** Whenever reference is made to an officer of a department, the same shall be construed as if followed by the words "of the Town of Southbridge."

**Week.** The word "week" shall be construed to mean seven days; but publication in a newspaper of any notice or other matter indicated to be for a stated number of weeks

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shall be construed to mean one insertion in each week, unless specifically stated to be for each day of the week or for more than one day in each week.

**Written or in writing.** The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

**Year.** The word "year" shall mean a period of twelve months, or, if the context so requires, a calendar year.

***Section 1-104 When These Rules of Construction Shall Not Apply***

The rules of construction set forth in this By-law shall not be applied to any By-law which shall contain any express provision excluding such construction, or when the subject matter or context of such By-law may be repugnant thereto.

***Section 1-105 References to Titles, Chapters, or Sections***

All references to titles, chapters, or sections are to the titles, chapters and sections of these By-laws unless otherwise specified. Where the letters "MGL" appear or where the reference is to the General Laws, the reference is to the Massachusetts General Laws. Where the letters "MGLA" appear, the reference is to the Massachusetts General Laws Annotated. Where the phrase "TCM (xx/xx/xx)" appears, the reference is to the Town Council Meeting of xx/xx/xx. Where the phrase "Article XX, §\_\_" appears, the reference is to the Town By-laws in effect prior to the 2006 recodification.

***Section 1-106 Conflicting Provisions***

***1-106.1*** If the provisions of different chapters of these By-laws conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions growing out of the subject matter of such chapter.

***1-106.2*** If conflicting provisions are found in different sections of the same chapter, the provisions of the section which is last in time shall prevail.

***1-106.3*** To the extent that any provision of this code expressed in general terms shall conflict with any provision expressed in specific terms, the specific provision shall prevail.

***1-106.4*** In all cases in which provisions of this code conflict with one another the provision enacted most recently in time shall be deemed to prevail over any older provision.

***Section 1-107 Publication of General By-laws***

At least ten days before final passage of a general by-law (except an emergency by-law), notice of such by-law shall be published once in a local newspaper and posted on the town bulletin board. Such proposed by-law shall also be posted in full on the town web site and be available in the office of the town clerk. After final passage, the by-law, or notice thereof, shall be posted on the town bulletin board and web site and shall be available in full in the office of the town clerk.

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Notice, publication and posting of a proposed general by-law under this section shall be performed for the benefit of the public, solely for purposes of information and to make the public aware of the general nature of certain subject matter the town council may consider at a future meeting. Notice, publication and posting under this section is not intended to suggest that the measure will be adopted in that precise form, that it will be adopted with amendments, or that it will be adopted at all. Notwithstanding any amendments which may be made to the proposed general by-law by the town council, the proposed by-law or notice thereof will not be re-published or re-posted before final enactment unless at least three Councilors vote to require the same.

Failure to comply with the provisions of this section shall not invalidate any by-law enacted by the town council.

***Section 1-108 When By-laws Take Effect***

All by-laws passed by the town council, except when otherwise specifically provided, shall take effect and be in force in accordance with Section 12-4 of the Town Charter.

***Section 1-109 Code Not to Affect Prior Offenses, Rights, etc.***

*1-109.1* Nothing in this code or the By-law adopting this code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this code.

*1-109.2* The adoption of this code shall not be interpreted as authorizing any use or the continuance of any use of a structure or premises in violation of any By-law of the town in effect on the date of adoption of this code, except as otherwise provided.

***Section 1-110 Effect of Repeal of By-laws***

*1-110.1* The repeal of a By-law shall not revive any By-law in force before or at the time the By-law repealed took effect.

*1-110.2* The repeal of a By-law shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the By-law repealed.

***Section 1-111 Violations and Penalty - Municipal Infractions – Noncriminal Disposition***

Whoever violates any provision of this Code of By-laws or of any regulation of any municipal officer, board or department, may be penalized by a non-criminal disposition as provided in MGL, Chapter 40, Section 21D. Each day on which any violation exists shall be deemed to be a separate offense. Violations of any by-law or rule or regulation of any town officer, board or department, may be enforced by any police officer of the Town of Southbridge.

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The following Schedule of Penalties shall apply to violations of a by-law, rule or regulation, except as otherwise specified in such by-law, rule or regulation:

- |  |           |
|--|-----------|
| A. for a first violation of any provision in one calendar year                                 | \$25.00,  |
| B. for the second violation of the same provision within the same calendar year                | \$50.00,  |
| C. for the third and subsequent violations of the same provision within the same calendar year | \$100.00, |

If reference is made in any by-law or regulation to Schedule of Penalties D through F, the following schedule shall apply:

- D. \$250
- E. \$275
- F. \$300

Without intending to limit the generality of the foregoing, it is the intent of this provision that the following by-laws may be enforced through non-criminal disposition in accordance with this section and Chapter 40, §21D of the General Laws, and that Schedule of Penalties A through C shall apply to violations thereof, unless otherwise specified in such by-laws. In addition to town police officers, the municipal personnel listed for each section, if any, shall also be enforcing persons for such by-laws.

***List of Provisions Subject to Enforcement Under  
MGL Chapter 40, Section 21D***

*6-203 Removal of Dog Litter*

Additional Enforcement Persons: Animal Control Officer & Health Inspector

*7-102 Regulation of Overhanging Objects /Devices*

Additional Enforcement Person: Building Inspector

*7-103 Obstructions in Public Way*

Additional Enforcement Person: Building Inspector

*7-104 Regulation of Leaves, Garden Trimmings, etc., in Public Way*

Additional Enforcement Persons: Health Agent & Health Inspector

*7-105 Painting, Printing, etc., Figures or Pictures on Sidewalk or Street*

Additional Enforcement Persons: Health Agent & Health Inspector

*7-106 Distribution of Certain Materials in Public Ways*

Additional Enforcement Person: Building Inspector

*7-107 Restrictions on Playing Musical Instruments, Public Gatherings in Public Ways*

*7-108 Regulation of Digging in Public Ways*

Additional Enforcement Person: DPW Superintendent

*7-109 Regulation of Use of Public Areas for Assembly, Parades, etc.*

*7-110 Regulation of Use of Sound Trucks, etc.*

*7-111 Restrictions on Use of Vehicles in/on Certain Town Owned Land*

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- 7-112 *Repair or Removal of Buildings Abutting Public Way*  
Additional Enforcement Person: Building Inspector
- 7-113 *Hoisting Materials over Public Ways*
- 7-201 *No Parking During Street Sweeping Operations*
- 7-202 *Inoperable Motor Vehicles in Public Ways*
- 7-203 *Parking of Vehicles in Excess of Certain Width/Height on Public Ways*
- 7-204 *Moving Buildings*
- 7-205 *Motor Scooters*
- 7-301 *Use of Public Ways by Pedestrians*
- 7-302 *Prohibition of Possession of Intoxicating Liquors in Public Places*
- 7-303 *Regulation of Coasting in Public Ways*
- 7-304 *Use of Certain Articles/Devices Prohibited on Sidewalks*
- 7-305 *Play, Games, Sport, Other Activities Prohibited in Public Ways*
- 7-401 *Care of Public Property, Buildings and Water Bodies*
- 7-402 *Regulation of Swinging Objects/Devices*
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- 7-404 *Town Boundary Markers to be Respected*
- 7-405 *Street Lights, Warning Lights to be Respected*
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- 7-501 *Youth Protection Curfew*
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- 7-503 *Noise Control*
- 7-504 *Alarm Systems*
- 7-505 *Fire Regulations*  
Additional Enforcement Person: Fire Inspectors
- 7-506 *Prohibition of "Camping"*
- 8-201 *Drainage and Erosion Control*  
Additional Enforcement Person: DPW Superintendent
- 9-101 *Building Inspections*  
Additional Enforcement Person: Building Inspector
- 9-102 *Plumbing & Gas Fitting Inspections*  
Additional Enforcement Persons: Building Inspector & Plumbing & Gas Inspector
- 9-103 *Wiring and Electrical Standards*  
Additional Enforcement Persons: Building Inspector & Wire Inspector
- 9-201 *Regulation of Earth Removal*  
Additional Enforcement Person: Building Inspector
- 9-202 *Regulation of Signs*  
Additional Enforcement Person: Building Inspector
- 10-102 *Collection of Garbage, Rubbish and Refuse*  
Additional Enforcement Persons: Health Agent & Health Inspector
- 10-103 *Maintenance of Areas Free From Garbage, Rubbish and Refuse*  
Additional Enforcement Persons: Health Agent & Health Inspector

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*10-200 Mandatory Recycling*

Additional Enforcement Persons: Health Agent & Health Inspector

***Section 1-112 Violations and Penalty - Misdemeanors***

Any person violating any of these By-laws will be subject to a fine up to the maximum amount permitted by law by criminal complaint filed in the Dudley Division of the District Court. Each day a violation continues will constitute a separate offense. (Article I, § 1)(TCM 3/11/91)

***Section 1-113 By-laws, Recording of***

All By-laws shall be recorded by the town clerk in the order in which they are passed to be ordained, in a book prepared and kept for that purpose, with proper margins and index, lettered "Record of By-laws of the Town of Southbridge" which book shall be preserved in the office of the town clerk and subject to public inspection.

***Section 1-114 Orders and Resolves***

Whenever the town council expresses anything by way of command, the form of expression shall be "ordered"; and when the town council expresses opinions, principles, facts or purposes, the form shall be "resolved."

***Section 1-115 Code Book to be Kept Up-to-date***

It shall be the duty of the town clerk, or someone authorized and directed by the town clerk, to keep up-to-date the certified copy of the book containing the code required to be filed in the office of the town clerk for the use of the public. All changes in said code and all By-laws adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the code shall, when finally adopted, be included therein by reference until such changes or new By-laws are printed as supplements to said code book at which time such supplements shall be inserted therein.

***Section 1-116 Future By-laws***

All By-laws hereafter enacted or presented to the town council for enactment shall be drafted, so far as possible, as specific amendments of or additions to the Code of Southbridge.

***Section 1-117 Severability***

It is hereby declared to be the intention of the town council that the sections, paragraphs, sentences, clauses and words of this code are severable, and if any word, clause, sentence, paragraph or section of this code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this code, because the same would have been enacted by the town council without the incorporation in this code of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

**CHAPTER 2  
TOWN ELECTIONS AND ELECTED TOWN OFFICERS**

<i>Section</i>	<b>2-100 ELECTIONS</b>
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	2-102 Eligibility for Elected Office
	2-103 Date of Town Election
	2-104 Hours Polls are to be Open
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	<b>2-200 TOWN COUNCIL</b>
	2-201 Powers, In General
	2-202 Meetings of the Town Council
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	2-301 Powers, In General
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	<b>2-500 BOARD OF ASSESSORS</b>
	2-501 Powers, In General
	<b>2-600 REGIONAL VOCATIONAL SCHOOL COMMITTEE</b>
	2-601 Southern Worcester County Regional Vocational School Committee
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	2-701 Powers, In General
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	2-801 Powers, In General

**SECTION 2-100 ELECTIONS**

***Section 2-101 Officers to be Elected***

The offices to be filled by the voters shall be a -

- (a) town council (nine members)
- (b) school committee (seven members)
- (c) town clerk
- (d) board of assessors (two of three members)
- (e) housing authority (four of five members)
- (f) redevelopment authority (four of five members)
- (g) regional vocational school committee (two members)
- (h) such other representatives to regional authorities, districts, or committees as may be established by law or by inter-local agreement.

***Section 2-102 Eligibility for Elected Office***

Any registered voter shall be eligible to hold any elective town office except as otherwise provided in the town charter, provided, however, no person while serving as a member of the town council shall hold any other town office or employment. (*Charter §§ 2-2-1, 2-2-2 and 11-2-1*)

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***Section 2-103 Date of Town Election***

The regular election for all town offices shall be by official ballot on the last Tuesday in June. (*Charter § 11-1-1*)

***Section 2-104 Hours Polls Are to Be Open***

The polls shall be opened for all regular elections at 7:00 o'clock in the morning and shall remain open until 8:00 o'clock in the evening. (*see MGL c. 54, § 64*)

***Section 2-105 Terms of Office***

The term of office of all elective town officers shall, unless another term is stated, be three years, beginning on the first weekday of July following the election. Every person elected to a town office shall, before assuming the duties of the office, be sworn to the faithful performance of the duties of the office. Vacancies in elective offices shall be filled in the manner provided in Charter Section 11-3-1 (c). (*see Charter §§ 11-1-2 and 11-3-1*)

***Section 2-106 Annual Reports***

All elective town officers and multiple member bodies shall prepare annual reports of their activities and shall submit these reports to the town manager for inclusion in the annual report of the town, on or before such date as the town manager may annually establish for the filing of such reports. (*see Article VII, § 2*)

***SECTION 2-200 TOWN COUNCIL***

***Section 2-201 Powers, In General***

*2-201.1 Establishment* - A town council of nine members shall be nominated and elected from the town at large to serve for terms of three years each so arranged that the terms of three members expire each year. (*see Charter § 2-1-1*)

*2-201.2 Authorities and Responsibilities* - Except as otherwise provided in the town charter, all general, corporate, legislative, policy-making, and appropriations powers of the town shall be vested in the town council. (*see Charter § 2-4-1*)

***Section 2-202 Meetings of the Town Council***

All meetings of the town council and of every committee or sub-committee of the town council are subject to Chapter 39, Sections 23A -23C of the General Laws, the, so-called, Open Meeting Law. All matters which come before the town council shall be decided by a majority vote of those present and voting, provided that at least a quorum of the Town Council is present, unless some other provision is made by general law, by-law, or the town charter. (*see MGL c. 39, §§ 23A-23C*)

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***SECTION 2-300 TOWN CLERK***

***Section 2-301 Powers, In General***

*2-301.1 Establishment* - The town clerk shall be elected to serve for a three-year term. The town clerk shall receive such compensation not to exceed the amount appropriated by the town council. (*Charter § 3-4-1*)

*2-301.2 Authorities and Responsibilities* - The town clerk shall be the head of the agency known as the office of the town clerk. The town clerk is the chief election official and clerk of the board of registrars of voters, registrar of vital statistics, custodian of the town seal, and licensing officer.

It shall be the duty of the town clerk immediately after every town council meeting to notify in writing all members of committees who may be elected or appointed at such meeting, stating the business upon which they are to act and the names of the persons composing the committees, of all votes passed at such meeting in any way affecting them.

The town clerk shall have all the powers and duties given to the town clerk by the town charter, by-laws, and the Massachusetts General Laws. (*Article II, § 2*)

*2-301.3 Salary* - The compensation of the town clerk shall be established by the Town Council. The town clerk shall receive as additional compensation the same sick days, holidays, vacation days, personal days and other benefits as are afforded to other municipal employees generally.

***SECTION 2-400 SCHOOL COMMITTEE***

***Section 2-401 Powers, In General***

*2-401.1 Establishment* - A school committee of seven members shall be nominated and elected from the town at large to serve for terms of three years each so arranged that the terms of at least two members expire each year. The members and chairperson of the school committee shall receive compensation identical to that received by the members and chairperson of the town council. (*Charter § 5-1-1*)

*2-401.2 Authorities and Responsibilities* - The school committee shall have general charge of the public schools of the town. The school committee shall have the power to select and terminate a superintendent of schools, establish educational goals and policies for the schools consistent with the requirements of the laws of the Commonwealth and standards established by the Commonwealth. The school committee shall have all the powers and duties given to school committees by the laws of the Commonwealth. (*Charter § 5-2-1*)

***SECTION 2-500 BOARD OF ASSESSORS***

***Section 2-501 Powers, In General***

*2-501.1 Establishment* - There shall be a board of assessors consisting of two part-time members elected by the voters and a third full time member, to be the clerk of the board appointed by the town manager, for terms which expire in different years. (*Charter § 3-7-1*)

*2-501.2 Authorities and Responsibilities* - The board of assessors shall, annually and in accordance with the general laws and the recommendations of the state department of revenue, make a fair cash valuation of all the estate, both real and personal, subject to taxation within the town. The board of assessors shall annually provide to the town council its recommendations regarding the percentage of the local tax levy to be borne by each class of property and the effect of such recommendation on each class of property. The board of assessors shall annually determine the annual tax rate. The board of assessors shall hear and decide all questions relating to the abatement of taxes levied by it. The board of assessors shall have all of the other powers, duties and responsibilities given to boards of assessors by the laws of the Commonwealth.

***SECTION 2-600 REGIONAL VOCATIONAL SCHOOL COMMITTEE***

***Section 2-601 Southern Worcester County Regional Vocational School Committee***

*2-601.1 Establishment* - Two members of the Southern Worcester County Regional Vocational School Committee (Bay Path) shall be elected for terms which expire in different years. (*Charter § 3-3-1*)

*2-601.2 Authorities and Responsibilities* - Officers and members of this board, unless otherwise provided in the charter, shall exercise such powers and duties as are and may be provided by law and inter local agreement. (*Charter § 3-8-1*)

***SECTION 2-700 SOUTHBRIDGE HOUSING AUTHORITY***

***Section 2-701 Powers, In General***

*2-701.1 Establishment* - There shall be a Southbridge Housing Authority consisting of four members elected by and from the voters of Southbridge and one member appointed as provided by state law. The terms of members shall be for five years so arranged that the term of one member expires each year. (*Charter § 3-5-1; MGL c. 121B*)

*2-701.2 Authorities and Responsibilities* - The Southbridge Housing Authority shall make careful studies of housing needs within the town and shall provide such programs to make available housing for families of low income and for elderly persons of low income as it deems necessary or desirable and it may make studies and investigations relative to community development, including desirable patterns for land use and community growth. The housing authority shall have all the powers, duties, authorities

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and responsibilities as are afforded to such entities under Chapter 121B of the General Laws.

***SECTION 2-800 SOUTHBRIDGE REDEVELOPMENT AUTHORITY***

***Section 2-801 Powers, In General***

*2-801.1 Establishment* - There shall be a Southbridge Redevelopment Authority consisting of four members elected by and from the voters of Southbridge and one member appointed as provided by state law. The terms of members shall be for five years so arranged that the term of one member expires each year. (*Charter § 3-7-1; MGL c. 121B*)

*2-801.2 Authorities and Responsibilities* - The Southbridge Redevelopment Authority shall make careful studies, surveys and plans relative to community development including desirable patterns for land use and community growth and to determine what areas within the town constitute decadent, substandard or blighted areas. The redevelopment authority shall have all the powers, duties, authorities and responsibilities as are afforded to such entities under Chapter 121B of the General Laws.

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**CHAPTER 3  
APPOINTED OFFICES**

- Section*        **3-100 STANDARD PROVISIONS**
- 3-101 Officers, Other Officials and Multiple Member Bodies
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  - 3-103 Council Confirmation of Certain Appointments
  - 3-104 Multiple Member Body Internal Organization
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  - 3-108 References to Statutes
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- 3-200 MULTIPLE MEMBER BODIES**
- 3-201 Aging, Council on
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  - 3-207 Cultural Council
  - 3-208 Disabilities, Commission on
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  - 3-213 Local Historic District Study Committee
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  - 3-216 Registrars of Voters, Board of
  - 3-217 Retirement Board, Contributory
  - 3-218 Scholarship and Education Committees
  - 3-219 Southbridge Trails Committee
  - 3-220 Special Permit Granting Authority
  - 3-221 Trustees of Soldiers, Sailors, Marines and Airmen Memorials
  - 3-222 Agricultural Commission
  - 3-223 Economic Development Commission
  - 3-224 Industrial Development Financing Authority
- 3-300 TOWN OFFICE OR POSITION**
- 3-301 Accountant, Town
  - 3-302 Animal Control Officer
  - 3-303 Animal Inspector
  - 3-304 Assessor, Principal
  - 3-305 Attorney, Town
  - 3-306 Building Inspector, Director of Inspectional Services
  - 3-307 Civil Defense Director/Emergency Management Director

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- 3-308 Collector, Town
- 3-309 Constables
- 3-310 Economic Development and Planning, Director of
- 3-311 Elder Services, Director of
- 3-312 Finance, Director of
- 3-313 Fire Chief
- 3-314 Municipal Hearings Officer
- 3-315 Parking Clerk
- 3-316 Plumbing and Gas, Inspector of
- 3-317 Police Chief
- 3-318 Procurement Officer, Chief
- 3-319 Public Works, Director of
- 3-320 Sealer of Weights and Measures
- 3-321 Treasurer, Town
- 3-322 Veteran's Services Director
- 3-323 Wire Inspector

***SECTION 3-100 STANDARD PROVISIONS***

***Section 3-101 Officers, Other Officials and Multiple Member Bodies***

*3-101.1 Town Officers and Other Officials* – Any by-law establishing an office or position shall specify the duties and responsibilities of such office or position.

*3-101.2 Multiple Member Bodies* – Any by-law establishing a multiple member body shall specify the following: membership, term of office, duties and responsibilities.

*3-101.3 Temporary Multiple Member Bodies* - The town council may from time to time, by vote, establish advisory multiple member bodies. Whenever the town council establishes such a committee it shall, in writing, advise the town manager it has done so, including in such notice the names and residence addresses of the persons appointed.

The town manager may from time to time establish advisory multiple member bodies. Whenever the town manager establishes such a committee, the town manager shall, in writing, advise the town council that the town manager has done so, including in such notice the names and residence addresses of the persons appointed.

*3-101.4 Town Residency Required* – Unless some other provision is made in a particular by-law, pursuant to Section 3-101.3, or other provision of law or the Town Charter, all members of multiple member bodies shall at all times be residents of the Town of Southbridge, provided however, non-residents who hold a town office or town employment may serve by virtue of their office as a member of a multiple member body. Any person who during the term of office as a member of a multiple member body removes from the town and becomes a resident of another municipality shall be deemed to have resigned as a member of the multiple member body.

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*3-101.5 Compensation* – Unless some other provision is made in a particular case all members of multiple member bodies shall serve without compensation.

*3-101.6 Qualifications of Appointees* – In making appointments the appointing authority shall take into account appropriate education, training, experience and other factors which qualify the appointee to perform the duties of the office or other position.

***Section 3-102 Term of Office***

*3-102.1 Town Officers and Officials* – Appointments made by the town manager, to individual town offices shall be made in accordance with Sections 4-2-4, 4-3-1 and 4-3-4 of the Town Charter, for a term to expire on a date certain.

*3-102.2 Multiple Member Bodies* – The terms of office of all appointed multiple member bodies shall be arranged so that as nearly one-third of the terms as is possible shall expire each year. A vacancy shall be filled by the appointing authority for the remainder of the term. The term for each office shall be three years, except as otherwise specified by law or by-law. Appointments shall be effective on the first day of July, and expire on the thirtieth day of June, or when a successor has been appointed and qualified. Persons may be reappointed to successive terms, but no member shall have a right to be reappointed. Members of multiple member bodies may be removed pursuant to Section 4-4-1 of the Town Charter. Whenever a new multiple member body is established by by-law, the initial appointments shall be to terms of office of such varying lengths as will serve to create the overlapping terms described in the first sentence of this paragraph.

***Section 3-103 Council Confirmation of Certain Appointments***

The town manager shall appoint, subject to confirmation by the Town Council, the officers and department heads listed in Section 4-2-4 of the Town Charter. The town manager shall also appoint, subject to confirmation, members of multiple member bodies as specified in Sections 4-3-1 and 4-3-2 of the Town Charter.

***Section 3-104 Multiple Member Body Internal Organization***

Each multiple member body shall, at a minimum, annually elect from its membership, a chair, vice-chair and clerk, and such other officers as may be required by the general laws. The annual organization and election shall occur in July of each year, or immediately following the annual appointment of members by the appointing authority. Each multiple member body shall, forthwith following its annual organization and election of officers, file a report in the office of the town clerk on a form approved by the town clerk.

The chair shall preside over all meetings of the multiple member body and shall be its official representative in all proceedings before the town council, with the town manager, with other officials of the town and with the public. The vice-chair shall perform the chair's functions, in the absence of the chair.

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The clerk shall be responsible for the certification of the minutes of the meetings of the multiple member body, observance of the public records law, and maintenance of other records of the multiple member body.

Notwithstanding any other provision of this by-law, the members of a multiple member body may reorganize at any time.

***Section 3-105 Time and Place of Meetings***

The clerk of each multiple member body shall be responsible for notifying the town clerk and the town manager of the regularly scheduled meetings and all special meetings for the ensuing fiscal year. The notification shall also include the location where each meeting will be held. Notice of any meeting of a multiple member body shall be posted in accordance with the provisions of MGL 39, §23B, the so-called Open Meeting Law.

***Section 3-106 Meetings with Town Manager***

The delivery of services to the public requires coordination and cooperation amongst the various departments, divisions and programs within the town. At the administrative and operational branch level, managers shall seek to identify those areas of concern where it is believed that the various departments and divisions can assist each other in accomplishment of their mission.

The chair of each multiple member body may annually meet with the town manager for the purpose of defining an appropriate reporting relationship during the ensuing fiscal year.

***Section 3-107 Filing of Minutes***

Certified copies of the minutes of all meetings of all multiple member bodies shall be filed with the town clerk within five days following the meeting of the multiple member body at which meeting said minutes shall have been approved by the body. The minutes of all executive sessions of multiple member bodies shall be filed with the town clerk within five days following the date the minutes of those meetings have been made public. This filing of minutes of meetings with the town clerk is for the convenience of the public. Such filing shall not be construed to be the official records of the multiple member body. The official records shall continue to be maintained in the custody of the person designated pursuant to MGL Chapter 66, Section 6.

***Section 3-108 References to Statutes***

The references to state statutes which are contained in the sections which follow (describing the powers, duties and responsibilities of the town agencies) are provided for the purpose of describing the broad scope of the authority and responsibility which may be exercised by Southbridge with respect to each particular matter. Such enumeration is not to be construed in any way as intended to impose a limitation on the ability of the town, pursuant to Sections 1-3-1, 2-7-1 and 4-5-1 of the Southbridge Home Rule Charter and Section 20 of Chapter 43B of the General Laws, to reassign powers, duties and responsibilities among and between town agencies generally.

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***Section 3-109 Reorganization Plans Submitted by the Town Manager***

Each proposed reorganization plan filed by the town manager pursuant to Section 4-5-1 of the Town Charter shall bear an identifying number and shall be accompanied by a detailed statement of the town manager in explanation of the reasons underlying the submission of the proposed plan and the goals and objectives expected to result from the implementation of the plan.

Each proposed reorganization plan shall make due provision for the civil service status, seniority, retirement and other rights of town employees as may be required by the provisions of state statute, town by-laws or collective bargaining agreements covering the employees to be affected by such plan.

***SECTION 3-200 MULTIPLE MEMBER BODIES***

***Section 3-201 Aging, Council on***

*3-201.1 Establishment* – There shall be a council on aging appointed by the Town Manager, subject to confirmation by the Town Council, to consist of nine members. (*Charter, §§4-3-1 and 4-3-2*)

*3-201.2 Authority and Responsibility* – The council on aging shall advocate for the needs of the elderly people residing in the Town of Southbridge. The council on aging shall make continuing surveys of the elderly population to better determine their needs, problems and concerns. The Council on Aging shall develop criteria for program and supportive services development based upon an assessment of needs and participates in programs offered by the Commonwealth's Department of Elder Affairs and others. The responsibilities of the council on aging shall be to serve in an advisory capacity to the director of elder services. (*MGL c. 40, § 8B*)

***Section 3-202 Airport Commission***

*3-202.1 Establishment* – There shall be an airport commission, consisting of five commissioners. The members of the airport commission shall serve for terms of five years and until their successors are qualified. (*Chapter 389, Acts of 1946*)

*3-202.2 Authority and Responsibility* – The airport commission shall have the custody, care and management of the airport and air navigation facilities owned by the town. Subject to appropriation by vote of the town, the commission shall appoint and fix the salaries of all employees appointed or employed by it provided; however, the salaries and benefits of any employees shall be consistent with the town's compensation and benefits plan.

The airport commission may let or lease said airport or any part thereof for a period not to exceed twenty years, with the approval of the town manager and the town council.

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The airport commission may adopt, and may from time to time alter, amend or repeal, rules and regulations for the use of said airport and for the safety of the public thereon. Such rules and regulations shall not be effective until approved by the Massachusetts Aeronautics Commission and published in the same manner that the General By-laws are required to be published. Such rules and regulations shall conform to and be consistent with the laws of the Commonwealth and the rules and regulations of the Massachusetts Aeronautics Commission and shall be kept in conformity, as nearly as may be, with the then current federal legislation governing aeronautics and the regulations duly promulgated there under and rules and standards issued from time to time pursuant thereto.

All pertinent provisions of Sections 35 to 52, inclusive, of Chapter 90 (MGL) shall apply to the airport commission. (*Chapter 389, Acts of 1946*)

***Section 3-203 Appeals, Board of Zoning***

*3-203.1 Establishment* – There shall be a board of zoning appeals appointed by the Town Manager, subject to confirmation by the Town Council, to consist of three members and two associate members. In the case of an unfilled vacancy or inability to participate on the part of a member of the board, the chairperson shall designate one of the associate members to take the place of such member. The terms of office of associate members shall be for two years. (*Charter, §§4-3-1 and 4-3-2; MGL c. 40A, § 12*)

*3-203.2 Authority and Responsibility* – The board of zoning appeals shall hear and decide individual cases brought by persons seeking land use relief; all as provided for in MGL Chapter 40A, Sections 7, 9, 14 and 17, and the zoning by-law of the town. The board of zoning appeals shall have such duties and responsibilities as may from time to time be assigned by the Massachusetts General Laws.

***Section 3-204 Facilities Planning and Construction Committee***

*3-204.1 Establishment* - There shall be a facilities planning and construction committee appointed by the Town Manager, subject to confirmation by the Town Council, to consist of seven members. Six members of the committee shall be appointed by the town manager. In making appointments to the committee the town manager shall seek to include in its membership a registered professional engineer, an architect, an attorney and a person representing the building and construction trades. The seventh member of the facilities planning and construction committee shall be designated by the school committee and may, but need not, be a member of the school committee. (*Charter, §§4-3-1 and 4-3-2*)

*3-204.2 Authorities and Responsibilities* - Whenever any construction or reconstruction of a building or other facility is authorized the facilities planning and construction committee shall be responsible for all work in connection therewith including site planning, preliminary architectural plans and drawings, detailed architectural plans and drawings, all bid documents and construction supervision.

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The facilities planning and construction committee shall, in consultation with the town manager, establish policies to govern the selection of architects and designers, and to assure compliance with public bidding and procurement statutes and other requirements.

The facilities planning and construction committee shall meet regularly with the town manager to discuss its ongoing work program and to provide for an orderly interface with other municipal entities.

***Section 3-205 Cable TV Advisory Committee***

*3-205.1 Establishment* – There shall be a cable antenna television advisory committee appointed by the Town Manager, subject to confirmation by the Town Council, to consist of seven members. (*Charter, §§4-3-1 and 4-3-2*)

*3-205.2 Authority and Responsibility* – The cable antenna television advisory committee shall review all requests made by the general public and general access users and make decisions to resolve outstanding problems based upon the approved guidelines contained in the policies and procedures manual and such other powers and duties as may be provided in the contract between the town and the cable antenna television provider.

***Section 3-206 Conservation Commission***

*3-206.1 Establishment* – There shall be a conservation commission appointed by the Town Manager, subject to confirmation by the Town Council, to consist of seven members. The commission shall exercise the powers provided in MGL Chapter 40, Section 8C and Chapter 140, Sections 40 and 40A and such other powers as may from time to time be assigned by the town charter, general laws, or by-laws. (*Charter, §§4-3-1 and 4-3-2*)

*3-206.2 Authority and Responsibility* – The conservation commission shall protect, promote and enhance the quantity and quality of the natural resources within the town, especially wetlands, wildlife and water resources, through planning, acquisition, land management, regulation, scientific research and public education. The commission may conduct research into local land areas and shall seek to coordinate the activities of unofficial bodies organized for similar purposes.

The conservation commission may receive gifts, bequests or devises of personal property or interests in real property in the name of the town, subject to approval of the town council. The commission may receive monetary gifts and expend the same without further appropriation, subject to applicable provisions of the General Laws

The conservation commission shall be responsible for the implementation of the provisions of MGL Chapter 131, Sections 40 and 40A in protecting flood plains, water bodies and other wetlands within the town, and the wetlands protection By-laws and other By-laws and regulations as directed. (*See MGL c. 40, § 8C and c.131, §§ 40 and 40A*)

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***Section 3-207 Cultural Council***

*3-207.1 Establishment* – There shall be a local cultural council appointed by the Town Manager, subject to confirmation by the Town Council, which shall consist of nine members. No member shall be appointed to a third consecutive term. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences. (*Charter, §§4-3-1 and 4-3-2; MGL c. 10, § 58*)

*3-207.2 Authority and Responsibility* - The cultural council shall determine the distribution of arts lottery funds or other funds that may be allocated to it, may conduct other activities to promote and encourage the arts, enter into contracts, subject to approval of the town's legal counsel as to form, and do and perform any and all acts which may be necessary or desirable to carry out such powers and the purposes of MGL Chapter 10, Sections 56 to 58, inclusive.

***Section 3-208 Disabilities, Commission on***

*3-208.1 Establishment* – There shall be a disability commission appointed by the Town Manager, subject to confirmation by the Town Council, consisting of seven members. A majority of the persons appointed shall consist of persons with disabilities, one member shall be a member of the immediate family of a person with a disability, and one member shall be either an elected or appointed official of the town. (*Charter, §§4-3-1 and 4-3-2; MGL c. 40, § 8J*)

*3-208.2 Authority and Responsibility* – The disability commission shall research local problems of people with disabilities, advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities, coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability, review and make recommendations about policies, procedures, services, activities and facilities of departments and boards of the town as they affect people with disabilities, provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability, and coordinate the activities of other local groups organized for similar purposes. (*MGL c. 40, § 8J*)

***Section 3-209 Health, Board of***

*3-209.1 Establishment* – There shall be a board of health, appointed by the Town Manager, subject to confirmation by the Town Council, which shall consist of five members. (*Charter, §§4-3-1 and 4-3-2; MGL c. 41, § 1*)

*3-209.2 Authority and Responsibility* – The board of health shall be responsible for the formulation and enforcement of regulations affecting the environment and actions affecting health. The Board of Health shall have such authority and responsibility as is provided to the board of health by the Massachusetts General Laws, including MGL Chapters 111 to 114, inclusive, and by the state sanitary code. The board shall also establish and enforce standards to protect the public health with regard to refuse collection and disposal in the town. (*MGL c. 111 to 114 generally*)

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***Section 3-210 Historical Commission***

*3-210.1 Establishment* – There shall be an historical commission, appointed by the Town Manager, subject to confirmation by the Town Council, which shall consist of seven members. (*Charter, §§4-3-1 and 4-3-2; MGL c. 40, § 8D*)

*3-210.2 Authority and Responsibility* – The historical commission shall act for the preservation, promotion and development of the historical assets of the town. The commission shall conduct research into places of historic value and shall seek to coordinate the activities of unofficial bodies organized for similar purposes. The commission may acquire by gift, purchase or otherwise articles, artifacts, books, paintings and other materials of historic interest or value and shall provide a proper place for the storage and display of any such materials. The commission may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work. For the purpose of protecting and preserving places of interest as it deems worthy, the commission may recommend to the town that such places be certified as an historical landmark. The historical commission shall have such authority and responsibility as is provided to historical commissions by the Massachusetts General Laws.

***Section 3-211 Library Trustees, Board of***

*3-211.1 Establishment* – There shall be a board of trustees of the Jacob Edwards Memorial Library composed of seven members. Four members shall be appointed by and in accord with the Jacob Edwards Trust and three members shall be appointed by the Town Manager, subject to confirmation by the Town Council. (*Charter, §§4-3-1 and 4-3-2; MGL c. 78, § 10*)

*3-211.2 Authority and Responsibility* – The board of library trustees shall have such authority and responsibility as is provided to library trustees by the Massachusetts General Laws. (*MGL c. 78, generally*)

***Section 3-212 Liquor Licensing Board***

*3-212.1 Establishment* – There shall be a liquor licensing board, appointed by the Town Manager, subject to confirmation by the Town Council, to consist of three members and one alternate member, in accordance with the provisions of MGL Chapter 138, Sections 4-10B and Section 9-1-1 of the Town Charter. (*Charter, §4-3-2*)

*3-212.2 Authority and Responsibility* - The liquor licensing board shall have the authority and responsibility provided under MGL Chapter 138.

***Section 3-213 Local Historic District Study Committee***

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*3-213.1 Establishment* – Historic district study committees, appointed by the Town Manager, subject to confirmation by the Town Council, may be established pursuant to MGL Chapter 40C, § 4. (*Charter, §§4-3-1 and 4-3-2*)

*3-213.2 Authority and Responsibility* – An historic district study committee shall investigate the desirability of establishing an historic district or districts. (*MGL c. 40C, generally*)

***Section 3-214 Planning Board***

*3-214.1 Establishment* – There shall be a planning board, appointed by the Town Manager, subject to confirmation by the Town Council, consisting of seven members. (*Charter, §§4-3-1 and 4-3-2; MGL c. 41, § 81A*)

*3-214.2 Authorities and Responsibilities* - The planning board shall exercise the powers provided in MGL Chapter 41, Sections 70 to 72 and Sections 81A through 81JJ.

The planning board shall make careful studies of the resources, possibilities and needs of the town and shall make plans for the development of the town. The board shall make, and may from time to time amend and perfect, a comprehensive or master plan, setting forth in graphic and textual form policies to govern future growth and development in the town. The board shall monitor, and report on, progress made by the town implementing the recommendations of the master plan and other plans and studies prepared by the board.

The planning board shall have the power to regulate the subdivision of land within the town by the adoption of rules and regulations governing such development and the administration of such rules and regulations upon the application of landowners for the subdivision of land in Southbridge.

The planning board shall make an annual report, giving information regarding the condition of the town and any plans or proposals for its development and estimates of their costs. The board shall have all of the other powers and duties planning boards are given by general law, by the charter, by By-law or otherwise.

The planning board shall have such authority and responsibility pursuant to relevant sections of the general laws and such additional authority and responsibility as may be assigned by by-law.

***Section 3-215 Recreation Committee***

**Reserved**

***Section 3-216 Registrars of Voters, Board of***

*3-216.1 Establishment* – There shall be a board of registrars of voters, which shall consist of three members appointed by the Town Manager, subject to confirmation by the Town Council, and the town clerk who shall serve *ex officio*. The members of the board shall represent the two leading political parties, and in no case shall an appointment be

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made so as to cause the board to have more than two members, including the town clerk, of the same political party. (*Charter, §§4-3-1 and 4-3-2; MGL c. 51, § 15*)

*3-216.2 Authority and Responsibility* – The board of registrars of voters shall supervise the qualification of persons to vote, shall certify the names of voters on nomination papers and petition forms and shall hold hearings to decide all disputes relating to these matters. They shall have all the other authority relating to elections as provided by MGL Chapters 51-56, inclusive.

***Section 3-217 Retirement Board, Contributory***

*3-217.1 Establishment* – - There shall be a Southbridge Contributory Retirement Board which shall consist of five members. The town accountant shall serve, by virtue of office, as a member of the board, one member shall be appointed by the town manager and two members shall be elected by the members in or retired from service of such system from among their number and the fifth member, who shall not be an employee or retiree or official of the Town of Southbridge, shall be chosen by the other members. The terms of all members shall be for three years. (*Charter, §§4-3-1 and 4-3-2*)

*3-217.2 Authority and Responsibility* - The contributory retirement board shall have the powers and duties provided in subdivision (5) of Chapter 32, Section 20 of the General Law, and shall be responsible for the management of the retirement system for the Town of Southbridge subject to the requirements of MGL Chapter 32 and to the oversight of the commissioner of public employee retirement as provided in MGL Chapter 32, Section 21, and otherwise.

***Section 3-218 Scholarship and Education Committees***

*3-218.1 Scholarship Committee - Establishment, Authority and Responsibility* – There shall be a scholarship committee composed of five members. One member shall be the superintendent of schools; the remaining four members shall be appointed by the Town Manager, subject to confirmation by the Town Council. The scholarship committee shall have all the authority and responsibility provided to such a committee pursuant to MGL Chapter 60, Section 3C. (*Charter, §§4-3-1 and 4-3-2*)

*3-218.2 Education Committee – Establishment, Authority and Responsibility* – There shall be an education committee composed of five members. One member shall be the superintendent of schools, the remaining four members shall be appointed by the Town Manager, subject to confirmation by the Town Council. The education committee shall have the authority and responsibility provided to such a committee pursuant to MGL Chapter 60, Section 3C. (*Charter, §§4-3-1 and 4-3-2*)

***Section 3-219 Southbridge Trails Committee***

*3-219.1 Establishment* – There shall be a trails committee, appointed by the Town Manager, subject to confirmation by the Town Council, composed of five members. (*Charter, §§4-3-1 and 4-3-2*)

*3-219.2 Authority and Responsibility* – The trails committee shall oversee and promote the recreational trail system in and about the Town of Southbridge.

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***Section 3-220 Special Permit Granting Authority***

*3-220.1 Establishment* – The planning board, as provided for in Section 3-214 of these by-laws, shall be the special permit granting authority under the zoning by-law. In addition to the seven persons serving as members of the planning board, two alternate members shall be appointed by the Town Manager, subject to confirmation by the Town Council, as alternate members of the planning board when sitting as a special permit granting agency. (*Charter, §§4-3-1 and 4-3-2*)

*3-220.2 Authority and Responsibility* – The planning board, as provided for in section 3-214 of these by-laws, shall be a special permit granting authority under the zoning by-law including, but not limited to, the special permits described in MGL Chapter 40A, Section 9, and for such other purposes as may be provided in the zoning By-law.

When sitting to hear applications for special permits if any member of the planning board is absent or because of a conflict of interest or other disability is unable to participate on a particular matter, the chair shall seat one of the alternate members to act on that specific matter during any such absence or disability.

***Section 3-221 Trustees of Soldiers, Sailors, Marines and Airmen Memorials***

*3-221.1 Establishment* – There shall be a board of trustees of soldiers, sailors, marines and airmen memorials, appointed by the Town Manager, subject to confirmation by the Town Council, which shall consist of five members, three of whom shall be veterans and two of whom shall not be veterans of any war. (*Charter, §§4-3-1 and 4-3-2; MGL c. 41, § 105*)

*3-221.2 Authority and Responsibility* – The board of trustees of soldiers, sailors, marines and airmen memorials shall have charge and control of any memorial established by the town for the purpose of properly commemorating the services and sacrifices of the soldiers, sailors, marines and airmen who have served the country in war or persons who have rendered military service for the commonwealth in time of war. Such board may make such rules and regulations relative to the use of said memorials as they deem necessary.

***Section 3-222 Agricultural Commission***

*3-222.1 Establishment* – There shall be an Agricultural Commission, appointed by the Town Manager, subject to confirmation by the Town Council, which shall consist of five members serving staggered terms of three years each. The initial appointments shall consist of two members for three year terms, two members for two year terms, and one member for a one year term, with all subsequent terms to be three years. The majority of the members shall be engaged in “farming” or “agriculture” activities, as defined at Massachusetts General Laws Chapter 128, §1A, but an individual so engaged shall be eligible for appointment regardless of whether he or she derives income from such

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activities. One member may be a non-resident with an interest in agricultural property located in Southbridge. Up to two voting alternate members, who may be residents not engaged in farming or agriculture activities but with an interest in agricultural property located in Southbridge, may be appointed. The chairman of the Commission may designate any alternate member to sit on the Commission in case of absence, inability to act or conflict of interest on the part of any member, or in the event of a vacancy on the Commission until said vacancy is filled in the manner provided in this section.

*3-222.2 Authority and Responsibility* – The Agricultural Commission may be called as needed by the various Town boards and commissions to serve as advisors on projects and activities involving agricultural lands and affairs in Southbridge. The Agricultural Commission shall encourage, promote and facilitate the continued pursuit of farming and a sustainable agricultural industry, support and advance agricultural-based economic opportunities in the Town, and work for the preservation of prime agricultural land in Southbridge.

***Section 3.223 Economic Development Commission***

*3.223.1 Establishment* – There shall be an Economic Development Commission, appointed by the Town Manager, subject to confirmation by the Town Council, which shall consist of not more than seven members serving staggered terms of three years each. The initial appointments shall consist of two members for three year terms, two members for two year terms, and one member for a one year term, with all subsequent terms to be three years. One member may be a non-resident, providing that said member be in a decision-making position in a Southbridge enterprise. Up to two voting alternate members may be appointed. The chairman of the Authority may designate any alternate member to sit on the Authority in case of absence, inability to act, or conflict of interest on the part of any member or in the event of a vacancy on the Commission until said vacancy is filled in the manner provided in this section. (*Charter §§4-3-1 and 4-3-2*)

*3.223.2 Authority and Responsibilities* – The Economic Development Commission shall promote a strong and vibrant town economy in order to increase the tax base and to provide jobs, goods, and services to the community. The Economic Development Commission shall work to promote an entrepreneurial spirit throughout the various sectors of economic development in the Town.

The Economic Development Commission shall review and make recommendations regarding Tax Increment Financing agreements; facilitate the Town's permitting processes; promote the Town's industrial park and other enterprise areas; work to attract and retain advantageous growth; fulfill the responsibilities of the Town's Industrial Development Financing Authority; and perform such services as will establish a good environment for growth and the retention of enterprise, thus improving the economic condition of the Town.

***Section 3.224 Industrial Development Financing Authority***

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*3.224.1 Establishment* - The Economic Development Commission, as provided for in section 3.223 of these by-laws, shall be the industrial development financing authority. When the Economic Development Commission is sitting as the industrial development financing authority, the Town Manager shall appoint five members of the Economic Development Commission as directors of the industrial development financing authority, subject to confirmation by the Town Council. All five directors of the industrial development financing authority must be residents of the Town of Southbridge. (*Charter §§4-3-1 and 4-3-2 and MGL c 40D*)

*3.224.2 Authority and Responsibilities* – The economic development commission, as provided for in section 3.222 of these by-laws, shall be an industrial development finance authority and have the authority and responsibilities provided by MGL Chapter 40D.

***SECTION 3-300 TOWN OFFICE OR POSITION***

***Section 3-301 Accountant, Town***

*3-301.1 Establishment* – There shall be a town accountant, appointed by the Town Manager, subject to confirmation by the Town Council. (*Charter, §4-2-4*)

*3-301.2 Powers and Duties* – The town accountant shall keep and have charge of all accounts of the town. The town accountant shall keep the books in such form and detail as may be necessary to clearly exhibit all expenditures and receipts of each town agency. The town accountant shall credit each municipal account with its appropriation for the fiscal year, charging against each such account the expenditure there under as may be made. The town accountant shall perform such other duties as required by the town manager. The town accountant shall also be a member of the contributory retirement board pursuant to Chapter 32, Section 20 of the General Laws. The Town Accountant shall have all the duties and responsibilities given to town accountants under the General Laws.

***Section 3-302 Animal Control Officer***

*3-302.1 Establishment* – There shall be an animal control officer appointed by the Town Manager, subject to confirmation by the Town Council. (*Charter, §4-2-4*)

*3-302.2 Powers and Duties* - The animal control officer shall be responsible for the enforcement of all laws relating to dogs, including but not limited to Section 136A to Section 175 of Chapter 140 of the General Laws and all by-laws of the town further regulating animals. The animal control officer shall, in addition, have all of the powers of a field driver and pound keeper, as provided in Section 22 to Section 42 of Chapter 49, the authority to take up stray beasts as provided in Chapter 134 of the General Laws and every other enabling authority as may be. In addition, the animal control officer shall be responsible for the taking up, confinement and disposition of wild animals that are disturbing the public peace or providing a threat to public safety. The animal control officer shall coordinate and cooperate, as necessary, with the various humane societies

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that are active in Southbridge and the surrounding area. The animal control officer shall have all of the other powers, duties and responsibilities given to animal control officers by the Massachusetts General Laws.

***Section 3-303 Animal Inspector***

*3-303.1 Establishment* – There shall be an animal inspector appointed by the Town Manager, subject to confirmation by the Town Council. (*Charter, §4-2-4; MGL c. 129, § 15*)

*3-303.2 Powers and Duties* – The animal inspector shall make regular and thorough inspections of all neat cattle, sheep, swine, and other domesticated animals within the limits of the town, and, if the inspector knows or has reason to suspect any are infected with or have been exposed to any contagious disease, the inspector may order their quarantine. The animal inspector shall have all of the other powers, duties and responsibilities given to animal inspectors by the Massachusetts General Laws. (*MGL c. 129, §§ 15-25*)

***Section 3-304 Assessor, Principal***

*3-304.1 Establishment* – There shall be a principal assessor appointed by the Town Manager, subject to confirmation by the Town Council. . (*Charter, §4-2-4*)

*3-304.2 Powers and Duties* – The principal assessor shall, with the remaining members of the Board of Assessors, as appropriate, appraise real and personal property in the town; perform field measurements and inspections of residential and commercial buildings, including new buildings, additions, major alterations, demolition and partial construction; the principal assessor also inspects land and land changes resulting from map changes, deed transfers and subdivision changes, using appropriate appraisal techniques, makes estimate of market value of properties; and keeps apprised of all deed transfers and checks deeds for ownership.

The principal assessor maintains record file system on permanent properties including collected data and calculated cost with depreciation, current market and assessed valuation considered. The principal assessor performs other related duties as required.

***Section 3-305 Attorney, Town***

*3-305.1 Establishment* – There shall be a town attorney appointed by the Town Manager, subject to confirmation by the Town Council. (*Charter, §7-1-1*)

*3-305.2 Powers and Duties* – The town attorney shall represent the town in all legal proceedings and shall perform such other duties as may be prescribed by the general laws, the town charter, or town By-laws. In advising the town with regard to intra-town matters, the attorney shall exercise independent and impartial judgment. (*Charter § 7-1-1*)

*3-305.3 Special Counsel* – No town office or agency shall, unless specifically authorized to do so by the town manager, employ, advise with or consult any attorney or counselor at law, other than the town attorney, with regard to its duties, or to any town

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business. Whenever it is determined that the services of a legal specialist are required, necessary or desirable, the town manager shall, after consultation with the town attorney and the office or agency involved, designate such special counsel.

***Section 3-306 Building Inspector, Director of Inspectional Services***

*3-306.1 Establishment* – There shall be a building inspector appointed by the Town Manager, subject to confirmation by the Town Council. (*Charter, §4-2-4; MGL c. 43, § 3*)

*3-306.2 Establishment* – There shall be a director of inspectional services, appointed by the Town Manager, who may, but need not, be the Building Inspector.

*3-306.3 Powers and Duties* – The building inspector shall examine or cause to be examined all buildings upon which any work is to be done as often as is practicable, and shall upon application examine all buildings which are to be moved, raised, enlarged, altered, restored, built or rebuilt, and shall examine all buildings which are reported as unsafe or dangerous. In addition, the building inspector shall have the authority and responsibility of a building inspector as provided by Chapter 143 of the General Laws.

***Section 3-307 Civil Defense Director/Emergency Management Director***

*3-307.1 Establishment* – There shall be a civil defense director/emergency management coordinator appointed by the Town Manager, subject to confirmation by the Town Council. (*See §13 of Chapter 639 of the Acts of 1950*)

*3-307.2 Powers and Duties* – The civil defense director/emergency management coordinator shall be the head of the department of civil defense and emergency management responsible for all emergency functions of the town in the event of an emergency caused by natural or other means. The civil defense director/emergency management coordinator shall have the authority and responsibility which is provided to the office by Section 13 of Chapter 639 of the Acts of 1950, as amended, and published as Section 13-13 of Chapter 33, Appendix, MGLA.

***Section 3-308 Collector, Town***

*3-308.1 Establishment* – There shall be a town treasurer collector appointed by the Town Manager, subject to confirmation by the Town Council. (*Charter §4-2-4; MGL c. 41, § 38A; MGL c. 41, § 35*)

*3-308.2 Powers and Duties* – The town treasurer collector shall be responsible for billing and receiving all money due the town and for depositing such funds in appropriate accounts. The town treasurer collector shall maintain such records as may be required and perform such other duties as may be required by the town manager. Further, the town treasurer collector shall receive custody of all money belonging to the town. The town treasurer collector shall be responsible for the investment and disbursement of town funds and shall maintain such records and perform such other duties as the town manager may require. The town treasurer collector shall have all duties and responsibilities given to treasurers and collectors under the General Laws.

***Section 3-309 Constables***

*3-309.1 Establishment* – There shall be at least three constables appointed by the Town Manager, subject to confirmation by the Town Council. The term of office of each constable shall be three years so arranged that the term of at least one shall expire each year. (*Charter, §4-2-4*)

*3-309.2 Powers and Duties* – Constables may serve writs, warrants and processes in civil and criminal matters as authorized by law. They shall have the power of sheriffs to require aid in the execution of their duties. They shall serve all warrants and other processes directed to them by the town manager for notifying of meetings or for other purposes. (*MGL c. 41, § 94*)

***Section 3-310 Economic Development and Planning, Director of***

*3-310.1 Establishment* – The economic development and planning department shall be under the control and supervision of an economic development and planning director who shall be appointed by and responsible to the town manager.

*3-310.2 Powers and Duties* – The economic development and planning director shall supervise and coordinate the town’s economic development, community development, and planning activities. These activities include advancing the town’s economic development programs; pursuit of funding and management of programs to improve quality of life in the town; conduct research and make recommendations on issues of land use, planning, and growth; assist applicants as they proceed through the statutory planning and conservation processes; and perform other relevant duties as may be requested by the town manager.

***Section 3-311 Elder Services, Director of***

*3-311.1 Establishment* – There shall be a director of elder services appointed by the Town Manager.

*3-311.2 Powers and Duties* – The director of elder services shall, in consultation with the council on aging, coordinate and conduct programs dealing with the problems of aging and shall promote facilities for the health, education, welfare and recreation of the aging. The director shall be an advocate for the needs of the elderly people residing in the town, and shall conduct surveys of the elderly population to better determine their needs, problems and concerns.

***Section 3-312 Finance, Director of***

*3-312.1 Establishment* – There shall be a finance director appointed by the Town Manager, subject to confirmation by the Town Council. (*Charter, §4-2-4*)

*3-312.2 Powers and Duties* – The finance director shall be responsible for the supervision and coordination of all activities of the department of finance in accord with state statutes, town charter and by-laws. During a period of absence or disability of the

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town manager, pending the appointment of an acting town manager, the finance director shall perform the duties of the manager pursuant to Section 4-7-1 of the Town Charter.

***Section 3-313 Fire Chief***

*3-313.1 Establishment* – There shall be a fire chief appointed by the town manager, subject to confirmation by the Town Council, who shall be in charge of the fire department. (*Charter, §4-2-4*)

*3-313.2 Powers and Duties* – Under the direction of the fire chief, the fire department shall have full charge of extinguishing fires in the town and of protecting life and property in case of fire. The fire chief shall establish a program of fire prevention and safety, and provide for the training of all fire department personnel. The chief shall have authority over the administration of the fire department and shall propose for approval by the town manager all rules and regulations for department operation. The fire chief shall provide ambulance service to the town and shall act as forest warden. (*MGL c. 48, §§ 42A-55, c. 148*)

***Section 3-314 Municipal Hearings Officer***

*3-314.1 Establishment* – There shall be a municipal hearings officer appointed by the Town Manager, subject to confirmation by the Town Council. (*Charter, §4-2-4*).

*3-314.2 Powers and Duties* - The municipal hearings officer shall be responsible for the performance of all of the functions assigned to municipal hearings officers by MGL Chapter 148A and by MGL Chapter 90, Section 22B and each and every other provision in the General Laws where a municipal hearings officer is specified. The municipal hearings officer shall have such additional powers, duties, responsibilities and functions as may be provided by the Massachusetts General Laws and town by-laws

***Section 3-315 Parking Clerk***

*3-315.1 Establishment* – There shall be a parking clerk appointed by the Town Manager, subject to confirmation by the Town Council. (*Charter §4-2-4*)

*3-315.2 Powers and Duties* – The parking clerk shall supervise and coordinate the processing of parking notices in the town. (*MGL c. 90, §§ 20A-E*)

***Section 3-316 Plumbing and Gas, Inspector of***

*3-316.1 Establishment* – There shall be a plumbing and gas inspector appointed by the Town Manager, subject to confirmation by the Town Council. (*Charter, §4-2-4; MGL c. 142, § 11*)

*3-316.2 Powers and Duties* – The plumbing and gas inspector shall inspect and approve all plumbing installations in the town, in accord with applicable rules and regulations or town By-laws, or MGL Chapter 142, and shall inspect and approve gas fitting in accord with applicable laws.

***Section 3-317 Police Chief***

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*3-317.1 Establishment* – There shall be a police chief appointed by the Town Manager, subject to confirmation by the Town Council, who shall be in charge of the police department. (*Charter, §4-2-4; MGL c. 41, § 97A*)

*3-317.2 Powers and Duties* – Under direction of the police chief, the police department shall have full charge of keeping the peace and the enforcement of all laws. The chief of police shall have authority over the administration of the police department

and shall propose for approval by the town manager all rules and regulations for department operation. The chief shall be in control of all town property used by the department and of all police officers. (*MGL c. 41, §§ 97A, 98*)

***Section 3-318 Procurement Officer, Chief***

*3-318.1 Establishment*- The town manager shall be the chief procurement officer for the town. (*Charter, §4-2-3*)

*3-318.2 Powers and Duties* – The chief procurement officer shall be responsible for purchasing all supplies, material and equipment for all departments and activities of the town as provided in Chapter 30B of the General Laws. The chief procurement officer may, as provided in Chapter 30B, §19 of the General Laws, designate other procurement officers to serve the needs of town agencies.

***Section 3-319 Public Works, Director of***

*3-319.1 Establishment* – There shall be a director of public works, appointed for a three year term by the Town Manager, subject to confirmation by the Town Council, who shall be in charge of the public works department. (*Charter, §4-2-4 and §6-1-3*)

*3-319.2 Powers and Duties* – The responsibilities for highways, engineering, sewers, parks, maintenance of buildings and grounds, cemeteries, trees and forestry, insect pest control and other duties outlined in Sections 6-1-2 and 6-2-1 through 6-2-8 of the Town Charter shall rest with the director of public works.

***Section 3-320 Sealer of Weights and Measures***

*3-320.1 Establishment* – There shall be a sealer of weights and measures appointed by the Town Manager, subject to confirmation by the Town Council. (*Charter, §4-2-4*).

*3-320.2 Powers and Duties* – The sealer of weights and measures shall test, adjust and seal all devices used for the weighing and measuring of commodities and shall be responsible for the enforcement of all laws relating to weights and measures. (*MGL c. 98, §§ 34-56C*)

***Section 3-321 Treasurer, Town***

*3-321.1 Establishment* – There shall be a town treasurer collector, appointed by the Town Manager, subject to confirmation by the Town Council, who shall serve for a term of three years. (*Charter §4-2-4; MGL c. 41, § 38A; MGL c. 41, § 35*)

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*3-321.2 Powers and Duties* –The town treasurer collector shall be responsible for billing and receiving all money due the town and for depositing such funds in appropriate accounts. The town treasurer collector shall maintain such records as may be required and perform such other duties as may be required by the town manager. Further, the town treasurer collector shall receive custody of all money belonging to the town. The town treasurer collector shall be responsible for the investment and disbursement of town funds and shall maintain such records and perform such other duties as the town manager may require. The town treasurer collector shall have all duties and responsibilities given to treasurers and collectors under the General Laws.

***Section 3-222 Agricultural Commission***

*3-222.1 Establishment* – There shall be an Agricultural Commission, appointed by the Town Manager, subject to confirmation by the Town Council, which shall consist of five members serving staggered terms of three years each. The initial appointments shall consist of two members for three year terms, two members for two year terms, and one member for a one year term, with all subsequent terms to be three years. The majority of the members shall be engaged in “farming” or “agriculture” activities, as defined at Massachusetts General Laws Chapter 128, §1A, but an individual so engaged shall be eligible for appointment regardless of whether he or she derives income from such activities. One member may be a non-resident with an interest in agricultural property located in Southbridge. Up to two voting alternate members, who may be residents not engaged in farming or agriculture activities but with an interest in agricultural property located in Southbridge, may be appointed. The chairman of the Commission may designate any alternate member to sit on the Commission in case of absence, inability to act or conflict of interest on the part of any member, or in the event of a vacancy on the Commission until said vacancy is filled in the manner provided in this section.

*3-222.2 Authority and Responsibility* – The Agricultural Commission may be called as needed by the various Town boards and commissions to serve as advisors on projects and activities involving agricultural lands and affairs in Southbridge. The Agricultural Commission shall encourage, promote and facilitate the continued pursuit of farming and a sustainable agricultural industry, support and advance agricultural-based economic opportunities in the Town, and work for the preservation of prime agricultural land in Southbridge.

***Section 3.223 Economic Development Commission***

*3.223.1 Establishment* – There shall be an Economic Development Commission, appointed by the Town Manager, subject to confirmation by the Town Council, which shall consist of not more than seven members serving staggered terms of three years each. The initial appointments shall consist of two members for three year terms, two members for two year terms, and one member for a one year term, with all subsequent terms to be three years. One member may be a non-resident, providing that said member be in a decision-making position in a Southbridge enterprise. Up to two voting alternate

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members may be appointed. The chairman of the Authority may designate any alternate member to sit on the Authority in case of absence, inability to act, or conflict of interest on the part of any member or in the event of a vacancy on the Commission until said vacancy is filled in the manner provided in this section. (*Charter §§4-3-1 and 4-3-2*)

*3.223.2 Authority and Responsibilities* – The Economic Development Commission shall promote a strong and vibrant town economy in order to increase the tax base and to provide jobs, goods, and services to the community. The Economic Development Commission shall work to promote an entrepreneurial spirit throughout the various sectors of economic development in the Town.

The Economic Development Commission shall review and make recommendations regarding Tax Increment Financing agreements; facilitate the Town's permitting processes; promote the Town's industrial park and other enterprise areas; work to attract and retain advantageous growth; fulfill the responsibilities of the Town's Industrial Development Financing Authority; and perform such services as will establish a good environment for growth and the retention of enterprise, thus improving the economic condition of the Town.

***Section 3.224 Industrial Development Financing Authority***

*3.224.1 Establishment* - The Economic Development Commission, as provided for in section 3.222 of these by-laws, shall be the industrial development financing authority. When the Economic Development Commission is sitting as the industrial development financing authority, the Town Manager shall appoint five members of the Economic Development Commission as directors of the industrial development financing authority, subject to confirmation by the Town Council. All five directors of the industrial development financing authority must be residents of the Town of Southbridge. (*Charter §§4-3-1 and 4-3-2 and MGL c 40D*)

*3.224.2 Authority and Responsibilities* – The economic development commission, as provided for in section 3.222 of these by-laws, shall be an industrial development finance authority and have the authority and responsibilities provided by MGL Chapter 40D.

***Section 3-322 Veteran's Services Director***

*3-322.1 Establishment* – There shall be a veteran's services director appointed by the Town Manager, subject to confirmation by the Town Council. (*Charter, §4-2-4*) (*MGL c. 115, § 10*)

*3-322.2 Powers and Duties* – The veteran's services director shall furnish information, advice and assistance to veterans relative to employment, education, medical care, pensions and other benefits to which they are or may be entitled. (*MGL c. 115, §§ 10-14*) The veteran's services director shall also serve as a veteran's agent (*MGL c. 115, § 3*), a veteran's burial agent (*MGL c. 115, § 7*) and a veteran's grave officer (*MGL c. 114, § 46A*).

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***Section 3-323 Wire Inspector***

*3-323.1 Establishment* – There shall be a wire inspector appointed by the Town Manager, subject to confirmation by the Town Council. (*Charter, §4-2-4*).

*3-323.2 Powers and Duties* – The wire inspector shall supervise every wire over, under or in streets or buildings and every wire within a building which is designed to carry electricity. (*MGL c. 166, § 32*)

**CHAPTER 4  
ADMINISTRATIVE REGULATIONS**

- Section*
- 4-101 Records and Reports of Administrative Activities
  - 4-102 Records and Reports on Financial Matters
  - 4-103 Publication and Distribution of Annual Town Report
  - 4-201 Duties and Authority of the Town Manager
  - 4-301 Ethical Standards of the Town of Southbridge
  - 4-401 Town Vehicles to be Designated as Such
  - 4-501 Town Seal

***Section 4-101 Records and Reports of Administrative Activities***

All officers, boards and committees of the town shall cause records of their doings and accounts to be kept in suitable books. Said books shall be kept in their respective places in the town offices and shall not be removed there from. Said books shall, unless otherwise provided by law, be open to public inspection at any reasonable time, but shall remain during such inspection under supervision of the officer, board or committee having custody thereof. (*Article VII, § 1; MGL c. 66*)

***Section 4-102 Records and Reports on Financial Matters***

All officers, boards, standing committees and special committees of the town having charge of the expenditure of town money shall annually report thereon in writing in such manner as to give the citizens a fair and full understanding of the objects and methods of such expenditures, referring however, to the report of the town accountant for statements in detail of receipts and payments, and may make therein such recommendations as they deem proper. Such reports shall include, in addition thereto, a report of attendance of all officers and numbers of such boards, standing and special committees. Such reports shall be submitted to the town manager for inclusion in the annual town report on or before the fifteenth day of July each year. (*Article VII, § 2*)

***Section 4-103 Publication and Distribution of Annual Town Report***

The town manager shall have printed as many copies as deemed necessary of the annual town report, ready for distribution in accordance with the General Laws. The annual town report shall contain, in addition to the reports of officers, boards and committees as herein before provided, a detailed report of all moneys received into and paid out of the town treasury in the financial year next proceeding, showing separately payments made from the proceeds of loans as capital outlays, for permanent improvements, the report of the town collector, of receipts, payments and abatements; statements of all funds belonging to the town or held for the benefit of its inhabitants, a statement of the liabilities of the town on bonds, notes, certificates of indebtedness or otherwise, and of indebtedness authorized but not incurred, and the purpose thereof; a statement of transfers made to or from any appropriation; abstracts of the records of the meetings of the town held since publication of the last annual report; and such other matters as the said report is required by law to contain, or as may be inserted by the town manager under the discretion granted him by law. (*Article VII, § 3; MGL c. 40, §§ 49, 50*)

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***Section 4-201 Duties and Authority of the Town Manager***

*4-201.1 In General* - The town manager shall be the chief administrative officer of the Town of Southbridge and shall have all of the power and authority that is conferred upon the town manager by the Southbridge Home Rule Charter.

*4-201.2 Control of Activities Not Otherwise Delegated -*

*Town Property* - The town manager shall have control of all town property which is not specially assigned under the school committee or the airport commission and shall enforce the conditions and covenants of any lease or tenancy relating to said property.

*Appointing Authority* - The town manager shall appoint all town officers whose election by the voters or appointment by some other town board or official is not required by law or by these By-laws.

*Residuary Authority* - In addition to such other powers and duties as are conferred upon the office by charter, by this code, by custom or by any vote of the town council, the town manager shall have power to do any acts on behalf of the town which are not by law, these By-laws or some vote of the town delegated to some other board, committee or official, or reserved to the voters of the town.

*Licensing Authority* – With respect to licenses and permits, other than those relating to alcoholic beverages, the town manager shall grant all such licenses and permits and shall have all the powers and duties of a licensing authority under the General Laws, provided however, that the town council retains the power to delegate to one or more town agencies, the powers vested in the town council by the laws of the Commonwealth to grant and issue licenses and permits, and may regulate the granting and issuing of licenses and permits by any such town agency, and may in its discretion, rescind any such delegation without prejudice to any prior action which has been taken. (*Charter § 9-2-1*)

*4- 201.3 Authority over Legal Affairs, in General* - The town manager, after consultation with the town attorney, may bring on behalf of the town any proceedings before any court, legislative committee, administrative agency or other public official or agency and may answer and defend any such proceedings brought against the town and may cause the town solicitor to appear on behalf of the town in any such proceedings instituted by others in which the town has an interest. The town manager, after consultation with the town attorney may prosecute such suits to final judgment, or may compromise any claims by and against the town on such terms as seem to the town manager and town attorney to be in the best interests of the town, whether or not such claims are in litigation.

The town manager shall have authority in the name of the town and through the town solicitor to prosecute, defend or compromise any and all claims or suits to which the town is a party and in relation to claims and suits whenever in the judgment of the town manager it is reasonably necessary, except actions otherwise provided for by statute or by By-law.

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*4-201.4 Authority to Settle Workmen's Compensation Matters* - All payments by the town for workmen's compensation shall, on the approval of the town manager, be charged to the workmen's compensation claims fund, or the damages and claims account as shall in each such case be deemed to be most appropriate.

*4-201.5 Authority to Accept Deeds and to be in charge of Property* - The town manager, with the approval of the town council, shall be authorized to accept deeds conveying an interest in real estate to the town. The town manager shall notify the town council whenever such acceptance occurs. All land owned by the town which is not by vote of the town specifically assigned to some particular town agency shall be deemed to be under the authority of the town manager. The town manager shall have general direction or management of the property and affairs of the town in all matters unless otherwise provided by law.

*4-201.6 Authority to Manage Town Property and Affairs* - The town manager shall have authority to sell or otherwise dispose of personal property and any real estate of which the town has possession or title by following the procedures established in Chapter 30B of the General Laws.

Whenever a town agency to which any land, easement, or other right or interest in land has been assigned determines that the land, easement, or other right or interest in land is no longer required by the agency it shall, forthwith, notify the town manager of such determination and shall identify, with specificity, the land, easement, or other right or interest in land which it has deemed to be no longer needed by the town agency.

The town manager upon receipt of any such determination may refer the matter to the planning board for a report and recommendation. If the matter is so referred, the planning board shall, after study and analysis, file a report containing its recommendations and the reasons for such recommendations, with the town manager.

Whenever any owned land, easement, or other right or interest in land is to be sold the town manager shall file a request to authorize such sale with the town council. The town council may, by a two-thirds vote, authorize the conveyance of such land, or a portion thereof, or the abandonment of an easement or other right or interest in the land. The town council may specify a minimum sum to be paid to the town for such conveyance or abandonment.

The town manager shall advertise and otherwise give notice of the offer to convey or abandon the land, easement, or other right or interest in land in accordance with the provisions of Chapter 30B of the General Laws and any other provisions of law as may be applicable. If the town council has specified a minimum amount, the town manager may, for such amount or any larger amount and on such other terms and conditions as the town manager may deem to be proper, convey said land, or part thereof, by deed, or declare such easement, or right, or other interest, or part thereof, be abandoned.

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*4-201.7 Policy Formulation for Departments* - The town manager, acting through the directors of departments, shall be responsible for the overall supervision of the departments of the town government and for the establishment of priorities and policies to govern the operation of the town departments and agencies.

***Section 4-301 Ethical Standards of the Town of Southbridge***

*4-301.1* No officer or employee of the town shall in an official capacity make or pass upon or participate in making or passing upon, any sale, contract or agreement or the terms or amount of any payment in which the town is interested and in which such officer has any personal financial interests, direct or indirect, unless such participation is authorized in accordance with the provisions of MGL Chapter 268A, Section 19. (*Article VI, § 1; MGL c. 268A*)

***Section 4-401 Town Vehicles to be Designated as Such***

All automobiles and other vehicles owned by the town shall be so designated by an approved label, as determined by the town manager, bearing the words "Town of Southbridge" with the exception of those vehicles exempted from this By-law by the town manager. (*Article VI, § 8*)

***Section 4-501 Town Seal***

There shall be a town seal which shall include the words "Southbridge, Massachusetts, Incorporated February 15, 1816" and the words "The Eye of the Commonwealth" and be as follows:



The town seal shall be kept in the custody of the town clerk. Papers or documents issued from any office or board of the town may be attested to by affixing a copy of the town seal. (*Article II, § 3; MGL c. 40, § 47*)

**CHAPTER 5  
FINANCE**

- Section**
- 5-101 Annual Audit
  - 5-102 Denial or Revocation of Licenses, Permits, etc., of Delinquent Taxpayers
  - 5-103 Due Dates for Payments to Town, Interest on Unpaid Balances
  - 5-104 Fees and Charges by Municipal Agencies
  - 5-105 Purchasing and Other Procurements
  - 5-106 Trust Funds
  - 5-107 Employee Off-Duty Work Details
  - 5-108 Disposal of Surplus Property
  - 5-109 Municipal Charges Lien

***Section 5-101 Annual Audit***

The town manager shall, subject to confirmation by the town council, appoint an auditor who shall annually, in accordance with generally accepted auditing standards for governmental financial audits, audit all town accounts and financial statements with regard to compliance with applicable laws, regulations, contract provisions and/or grant agreements. The audits may be made by a certified public accountant, or firm of such accountants, who have no personal interest, direct or indirect, in the fiscal affairs of the town. All documents and reports presented to the town or any employee thereof, by the auditor as a result of said audit shall, upon submission, be filed with the town clerk and shall be deemed public records. (*Charter § 8-1-1; Article IV, § 1*)

***Section 5-102 Denial or Revocation of Licenses, Permits, etc., of Delinquent Taxpayers***

*5-102.1 Sanctions to be Imposed* - The town may, as authorized by MGL Chapter 40, Section 57, deny any application for, or revoke or suspend a building permit, or 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, betterments or any other municipal charges, including amounts assessed under the provisions of Section 21D of MGL Chapter 40 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, betterments or any other municipal charges.

*5-102.2 Notice of Tax Delinquency* - The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments 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

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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.

*5-102.3 Written Notice Required Before a Suspension or Revocation May Take Effect* - 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 facie evidence for denial, revocation or suspension of said license or permit to any party.

*5-102.4 Hearing* - 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 made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension.

*5-102.5 Reissuance or Renewal of License or Permit* - Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license 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.

*5-102.6 Payment Agreement* - 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.

*5-102.7 Waiver by Town Manager* - The town manager 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 1 of Chapter 268A in the business or activity conducted in or on said property.

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*5-102.8 Exceptions* - This section shall not apply to the following licenses and permits:

MGL Chapter 48, § 13	open burning;
MGL Chapter 85, § 11A	bicycle permits;
MGL Chapter 101, § 33	sale of articles for charitable purposes;
MGL Chapter 131, § 12	fishing, hunting, trapping license;
MGL Chapter 149, § 69	children work permits;
MGL Chapter 140, § 21E	clubs, associations dispensing food or beverage licenses;
MGL Chapter 140, § 137	dog licenses;
MGL Chapter 140, § 181	theatrical events, public exhibition permits;
MGL Chapter 207, § 28	marriage licenses.

*(See Article IV, § 4)*

***Section 5-103 Due Dates for Payments to Town, Interest on Unpaid Balances***

Unless some other provision is made by law which permits a longer time for payment, all bills for the payment of any sum due to the town, for whatever purpose, shall be due on the thirty-first day following the date such bill has been issued.

Interest shall be added to any balance which remains unpaid after such thirty-first day at the same rate as is provided in Section 57 of Chapter 59 of the General Laws.

***Section 5-104 Fees and Charges by Municipal Agencies***

Any municipal agency or officer otherwise authorized to issue a license, certificate or permit, or to render a service or to perform work for a person or class of persons, wherein the entire proceeds of the fee remain with the town,, may from time to time fix a reasonable fee for the license, certificate, permit or for rendering the service or for performing the work in the manner provided in MGL Chapter 40, § 22F. All elected officers or agencies, other than the school committee, shall consult with the town manager prior to establishing charges and fees pursuant to this section. No charge or fee established pursuant to this section by any municipal agency or officer appointed by the town manager shall take effect until approved by the town manager. A charge or fee established or revised pursuant to this section shall take effect only upon filing with the town clerk.

A fee or charge imposed pursuant to this section shall supersede fees or charges already in effect as of the date the Town Council's acceptance of G.L. c.40, §22F takes effect, or any limitations on amounts placed thereon for such service, work, license, permit or certificate; provided, however, that this section shall not supersede the following provisions of the General Laws: Chapter.6A, §§31 to 77 inclusive, Chapter.138, Chapter 80, Chapter 140, §§ 121 to 131N inclusive; Chapter 83, Chapter 148, § 10A. Further, the provisions of this section shall not apply to any certificate, service or work required by Chapters 50 to 56, inclusive, or by Chapter 66 of the General Laws.

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**Transitional Provision**

*The fee or charge being collected on the date the town council accepts G.L. c.40, §22F for any license, permit, certificate, service or work shall be continued in effect and utilized until a new fee or charge is fixed under the authority of this section.*

***Section 5-105 Purchasing and Other Procurements***

The town manager shall be the chief procurement officer of the Town of Southbridge for purposes of MGL Chapter 30B and, in addition, shall have all of the powers of a purchasing agent, as provided in MGL Chapter 41, Section 103. The town manager, acting as chief procurement officer and as purchasing agent, may delegate all, or any portion of the responsibility for purchases and procurements to other officers and agencies, but, notwithstanding any such delegation shall retain the authority to supervise every purchase and procurement.

***Section 5-106 Trust Funds***

The town treasurer shall be the custodian of all funds given or bequeathed to the town for any purpose and shall manage and invest such sums in the same manner and with the same restrictions as apply to how other municipal funds are managed and invested. The town treasurer shall annually file a report which shall be printed in the annual town report, which shows the beginning balance in each fund, the interest earned during the year just ended, the amount expended (and unless an account is given elsewhere, the purposes for which such funds were expended) and the ending balance in each such account.

***Section 5-107 Employee Off-Duty Work Details***

All money received by the town as compensation for work performed by one of its employees on an off-duty work detail shall be deposited in the town treasury and kept in a fund separate from other municipal funds. As provided in MGL Chapter 44, Section 53C, the funds in such account may be used, without further appropriation, to compensate the employee for such services. A surcharge of ten percent of the cost of such services shall be added to the fee charged by the municipal agency for the service which shall be paid by the person requesting the service, and such surcharge shall be credited to the General Fund created by MGL Chapter 44, Section 53.

***Section 5-108 Disposal of Surplus Property***

*5-108.1 Personal Property* - Subject to such regulations regarding such disposition as may be promulgated by the town manager, the disposal of surplus personal property shall be governed by the provisions of MGL Chapter 30B, Section 15.

*5-108.2 Real Property* - Subject to such regulations regarding such disposition as may be promulgated by the town manager, the disposal of surplus real property shall be governed by the provisions of MGL Chapter 30B, Section 16.

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***Section 5-109 Municipal Charges Lien***

A municipal charges lien shall take effect upon the recording of a list of unpaid municipal charges and fees by parcel of land and the name of the person assessed for the charge or fee in the Worcester County Registry of Deeds.

If the charge or fee secured by a municipal charges lien remains unpaid when the board of assessors is preparing a real estate tax list and warrant to be committed under Section 53 of Chapter 59 of the General Laws, the town collector shall certify such charge or fee to the assessors, who shall forthwith add such charge or fee to the tax on the property to which it relates and commit it with their warrant to the town collector as part of such tax. If the property to which such charge or fee relates is tax exempt, such charge or fee shall be committed as the tax. A lien imposed under MGL Chapter 40, Section 58 may be discharged by filing a certificate from the town collector that all municipal charges or fees constituting the lien, together with any interest or costs thereon, have been paid or legally abated. All costs of recording or discharging a lien under MGL Chapter 40, Section 58 shall be borne by the owner of the property.

The following municipal charges and fees have been voted as municipal charges liens under the provisions of MGL Chapter 40, Section 58:

1. Unpaid ambulance charges.
2. Unpaid charges imposed under the provisions of MGL Chapter 40, Section 21D as outlined in these By-laws.

**CHAPTER 6  
LICENSES AND LICENSING REGULATIONS**

- Section*        **6-100 SOLICITORS, JUNK DEALERS AND PAWNBROKERS**  
6-101    Licensing of Solicitors, Canvassers and Peddlers  
6-102    Licensing of Dealers in Junk, Old Metals and Second Hand Goods  
6-103    Special Fencing Regulation Affecting Certain Dealers in Salvage  
          or Scrap Metals  
6-104    Licensing of Pawnbrokers  
**6-200 KEEPING OF PETS**  
6-201    Licensing of Dogs  
6-202    Rabies Control  
6-203    Removal of Dog Litter  
**6-300 AUTOMATIC AMUSEMENT DEVICES**  
6-301    Licensing of Automatic Amusement Devices  
**6-400 OPERATION OF BICYCLES**  
6-401    Inspection and Registration of Bicycles

**SECTION 6-100 SOLICITORS, JUNK DEALERS AND PAWNBROKERS**

**Section 6-101 Licensing of Solicitors, Canvassers and Peddlers (Article XIV, § 1)**

*6-101.1 Application of Section* - It shall be unlawful for any solicitor or canvasser as defined in this By-law to engage in such business within the Town of Southbridge without first obtaining a license therefore in compliance with the provisions of this By-law. The provisions of this By-law shall not apply to any person engaged in the pursuit of soliciting for charitable, benevolent, fraternal, religious or political activities, or for any other non-commercial purposes, nor to any person exempted by any other General Law, nor shall this By-law be construed to prevent persons having established customers to whom they make periodic deliveries from calling upon such prospective customers to solicit an order for future periodic deliveries.

*6-101.2 Definitions* - A solicitor or canvasser is defined as any person, who, for himself, or for another person, firm or corporation, travels by foot, automobile or any other type of conveyance from place-to-place, from house-to-house, taking or attempting to take orders for the sale or lease of goods, wares, merchandise or services, or taking or attempting to take contributions for any purpose including without limiting, the selling, distributing, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of all home improvements, or for services to be performed in the future whether or not such individual has, carries or exposes for retail sale a sample of the subject of such sale, whether or not he is collecting advance payment on such retail sales.

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*6-101.3 Licensing Applications* - Applicants for a license shall file with the chief of police on a form issued by him, a written application signed under the penalties of perjury, containing the following information:

- (a) Name of applicant.
- (b) Address of applicant (local and permanent address).
- (c) Applicant's height, eye and hair color.
- (d) Applicant's Social Security number.
- (e) The length of time for which the right to do business is desired.
- (f) A brief description of the nature of the business and the goods to be sold.
- (g) The name and home office address of the applicant's employer. If self-employed, it shall so state.
- (h) A photograph of the applicant, which picture shall be submitted by the applicant and be 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (i) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor within ten years of the date of application, except violations of the motor vehicle law, and nature of the offense.
- (j) If operating a motor vehicle: the year, make, color, model, license plate number, registration number, state of registration, vehicle's owner and address.
- (k) The applicant's fingerprints.

At the time of filing the application, each applicant shall pay a fee of \$10.00 to the Town of Southbridge.

*6-101.4 Procedure for Processing Applications* - Upon receipt of the application, the chief of police shall investigate the applicant's reputation as to morals and integrity.

After an investigation of the applicant's morals and integrity, the chief of police shall, not later than fourteen days from the submission of a completed application, approve or disapprove the application and notify the applicant of his decision. In the event that the application is approved, a license shall be issued. Any applicant shall have the right to appeal to the town manager.

*6-101.5 Form of License* - Such license, when issued, shall contain the signature of the issuing officer and shall show the name, address and photograph of said licensee, the date of issuance and the length of time the same shall be operative, as well as the license number. The chief of police shall keep a record of all licenses issued for a period of 6 years. Solicitors and canvassers shall be issued an identifying badge. A deposit of \$5.00 will be required for each badge. This deposit will be refunded upon return of the badge to the chief of police. Each licensee is required to possess an individual license and badge.

*6-101.6 Enforcement* - The police officers of the Town of Southbridge shall enforce this By-law. No license shall be transferred.

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The chief of police may revoke or suspend a license issued under this section as set forth in Section 6-101.10.

Each license issued under the provisions of this By-law shall continue in force for 6 months from the date of its issue, or for such lesser period of time as may be set forth in such license, unless sooner revoked.

An applicant requesting a renewal of a license must apply in person for such license renewal, and provide such material as required by the chief of police.

*6-101.7 Hours of Operation* - It shall be unlawful for any person to peddle or solicit before the hour of 8:00 A.M. of any day, or after the hour of 10:00 P.M. of any day except by appointment. (*Article XIV, § 2*)

*6-101.8 Conduct Prohibited* - It shall be unlawful for any peddler or solicitor or any person pretending to be a peddler or solicitor for the purpose of peddling or soliciting or pretending to peddle or solicit to ring a bell or knock at any building whereon there is painted, affixed or otherwise displayed to public view any sign containing any or all of the following words, to wit: "NO PEDDLERS", "NO SOLICITORS" or "NO AGENTS" or which purports to prohibit peddling or soliciting on the premises. (*Article XIV, § 3*)

It shall be unlawful for any peddler or solicitor to represent by words, writing or action that he is some other peddler or solicitor, that he is a partner, employee or agent of any peddler or solicitor when in fact he is not the partner, agent or employee of such peddler or solicitor, or that he is the employee, representative, agent or partner of any person, when in fact he is not the employee, representative, agent or partner of such person. (*Article XIV, § 4*)

*6-101.9 Exceptions* - The provisions of this By-law shall not apply to salesmen or agents for wholesale houses, or firms who solicit orders from or sell to, retail dealers for resale, or to manufacturers for manufacturing purposes, or to bidders for public works or supplies or to any person engaged in solicitation for charitable, religious, fraternal, service and civic, or other non-commercial purposes. (*Article XIV, § 5*)

*6-101.10 Revocation of Licenses/Permits* - Permits issued pursuant to this By-law may be revoked by the chief of police of the Town of Southbridge, after notice and hearing for any of the following causes:

- (a) Fraud, misrepresentation or any false statements made to the police department in furnishing the information required in Section 1 of this By-law.
- (b) Any violation of this By-law.
- (c) Conviction of the permit holder of any felony or crime involving morals, embezzlement and crimes of this nature.
- (d) Conducting the soliciting or peddling in an unlawful manner or in such a manner as to constitute a breach of the peace or to be a menace to the health, safety or general welfare of the people of the Town of Southbridge.

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Notice of this hearing for revocation of a permit shall be given in writing stating the grounds of the complaint and the time and the place of hearing. Such notice shall be mailed, postage prepaid, to the permit holder at the address given on the registration, at least 5 days prior to the date set for the hearing.

Any person aggrieved by the decision of the chief of police shall have the right of appeal to the Town Council of the Town of Southbridge. Such appeal shall be taken by filing with the town clerk a written statement of the grounds for the appeal within 14 days after notice of decision by the chief of police has been given.

The town council shall set the time and place for hearing such appeal, and notice of such time and place shall be given by the town clerk in the manner herein above provided for hearing of notice of revocation by the chief of police. (*Article XIV, § 6*)

Notwithstanding the provisions of this section, the chief of police may suspend a license issued under Section 6-101 should the public safety so require. Notice of such suspension shall immediately be provided to the licensee. Notice of a revocation hearing shall thereafter be provided forthwith in accordance with this section.

*6-101.11 Penalties for Violations* - Every person violating any provision of this By-law is guilty of a misdemeanor and shall be punished by a fine not exceeding \$50.00. Every violator of any provision of this By-law shall be guilty of a separate offense for every day such violation shall continue and shall be subject to the penalty imposed by this section for each and every separate offense. This by-law may be enforced through non-criminal disposition in accordance with G.L. c.40, §21D and Section 1-111 of the By-laws, and for such purposes, Schedule of Penalties A through C shall be applicable. (*Article XIV, § 7*)

***Section 6-102 Licensing of Dealers in Junk, Old Metals and Second Hand Goods***  
(*Article XIV, § 8*)

*6-102.1 License Required* - No person shall carry on the business of a keeper of a shop or yard for the purchase, sale or barter of junk, old metals or second hand articles in the Town of Southbridge, unless he is duly licensed therefore by the town manager and in accordance with this section and any rules and regulations established by the town manager.

*6-102.2 In General*

(a) No person who is not himself the holder of a license issued under this section shall carry on the business of an act as an agent or intermediary of a person licensed to carry on a business pursuant to that By-law.

(b) All persons licensed under this section shall maintain books of record in which shall be accurately recorded the following information:

- (1) The name, address, date of birth and driver's license number, if any, and signature of any person from whom an article is purchased or otherwise acquired in the course of business.

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- (2) A description of the item purchased, or acquired, including the serial or other identifying number, if any.
- (3) The date of acquisition of such item, and the price or other consideration paid for the item.
- (4) The date of sale or other disposal of such item, and the name, address, date of birth and license number, if any, of the person acquiring the item from the licensed person.

*6-102.3 Permanent Record to be Kept* - The accounts required to be kept hereunder shall be kept in a permanently bound (non loose leaf) book, written in legible ink, which book shall be kept for at least 2 years from the time of the last entry therein. Entries shall be made within 24 hours of the event giving rise to such entry.

*6-102.4 Public Inspection of Premises and Documents* - Any licensed premises, and the account books required by these rules shall be open to the inspection of the town manager, the police chief, or the designee of either, during reasonable business hours, upon written request.

*6-102.5 Enforcement* - Violations of this By-law, and any regulations promulgated by the Town Manager hereunder, shall be enforceable through non-criminal disposition pursuant to G.L. c.40, §21D and Section 1-111 of the By-laws, and for such purposes, Schedule of Penalties A through C shall be applicable.

***Section 6-103 Special Fencing Regulation Affecting Certain Dealers in Salvage or Scrap Metals***

Any person owning a controlling property within the town where wrecked or demolished automobiles and/or any salvage or scrap materials are kept, is to build and maintain a properly painted fence, or other suitable natural screening which cannot be seen through at least 8 feet high, around such space as is used for this purpose.

***Section 6-104 Licensing of Pawnbrokers***

The town manager may license suitable persons to carry on the business of pawnbrokers in the town, and may revoke such licenses, all as provided by MGL Chapter 140, Sections 70 to 85, and may promulgate regulations with regard thereto. Violations of such regulations shall be enforceable through non-criminal disposition pursuant to G.L. c.40, §21D and Section 1-111 of the By-laws, and for such purposes, Schedule of Penalties A through C shall be applicable.

***SECTION 6-200 KEEPING OF PETS***

***Section 6-201 Licensing of Dogs***

*6-201.1 Licenses and Fees* - The owner or keeper of a dog 6 months old or older shall purchase a license from the town clerk, and shall attach the license to the collar or harness of said dog. If any such tag is lost, the owner or keeper shall secure a substitute tag from the town clerk. No license fee shall be charged for a dog certified to serve a blind or deaf person, provided the dog is actually in the service of a blind or deaf person.

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New residents bringing dogs 6 months old or older into the Town of Southbridge shall purchase a license from the town clerk within 60 days. No license fee or any part thereof shall be refunded because of subsequent death, loss, spaying or removal from the Town of Southbridge. If a dog owner provides the town clerk with a three year rabies certificate within 30 days of date of vaccination the dog owner may purchase a three year dog license if he or she so desires. Dog owners who renew their dog tags after June 1st or after 30 days from the date of rabies vaccination, or after 30 days from the date of maturing to the age of 6 months shall pay a penalty of \$10.00.

Dog license fees shall be as follows:

Male or Female	\$20.00
Neutered Male & Spayed Female	\$10.00
Male or Female three (3) year license	\$40.00
Neutered Male & Spayed Female 3 year license	\$20.00
Kennel License four (4) dogs or less	\$25.00
Kennel License ten (10) dogs or less	\$50.00
Substitute Tag	\$ 2.00
Transfer License	\$ 4.00

*6-201.2 Definition of Terms* - As used in this By-law, unless the context otherwise indicates:

- (a) "Dog" shall mean any animal of canine species, both male and female.
- (b) "Owner or keeper" shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog, as herein defined.
- (c) "Public nuisance" shall mean any dog which by biting, excessive barking, howling, "running-at-large" or in any other manner disturbs the quiet of the public.
- (d) "Run-at-large" shall mean any dog free of restraint which is permitted to wander on private property of others or public ways at will.
- (e) "Restraint" shall mean the dog will be on a leash or substantial chain and under the control of a person competent to control or restrain it so that it shall not be a threat to public safety. The mere muzzling of a dog shall not prevent it from being a public nuisance.

*6-201.3 Prohibitions* - No owner or keeper shall permit any dog whether licensed or unlicensed to become a public nuisance or to run-at-large within the Town of Southbridge anytime day or night.

*6-201.4 Penalty* – Violations of this by-law shall be enforceable by any police officer of the Town of Southbridge or any animal control officer through non-criminal disposition pursuant to G.L. c.40, §21D and Section 1-111 of the By-laws, and for such purposes, Schedule of Penalties A through C shall be applicable.

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*6-2015 Notice to Owner and Redemption* - If a dog is impounded, the animal control officer shall notify the owner, if known, within 24 hours. The owner may then reclaim the dog by reimbursing the Town of Southbridge for expenses, fines, and fees, for maintaining the impounded dog. In any event, the maintenance cost shall not exceed \$5.00 for each 24 hour period, or any part thereof, plus \$15.00 as an initial handling fee. However, as required by state law, all dogs 6 months of age or older must be current on rabies and licensed before the animal control officer may release it.

*6-201.6 Disposition of Unclaimed Dogs* - Any dog which has been impounded and not redeemed by the owner within 10 days shall be disposed of as provided by Massachusetts General Laws Chapter 140, Section 151A, and any amendment thereto. All dogs adopted from the Southbridge Shelter shall be vaccinated for rabies prior to release. The adoption fees for stray or unclaimed dogs regardless of sex, breed, or age shall be as follows:

Adoption fee	\$20.00
Spay or Neutered Deposit	\$20.00
Rabies vaccination	\$20.00

*6-201.7 Collection of Fines and Fees* - All fines and fees collected by the animal control officer while enforcing the provisions of this By-law shall be collected in the form of personal check, money order or registered check and made payable to the Town of Southbridge. In no event shall the animal control officer accept cash.

*6-201.8 Disposition of Funds* - Any fines or fees collected by the animal control officer shall be accounted for and paid over to the town clerk at such time and in such manner as may be designated by the town treasurer.

*6-201.9 Exceptions to Orders* - A dog shall not be deemed a public nuisance or run-at-large when :

(a) such dog is attached to a restraining device and under the care and control of a person competent to restrain such dog so that it shall not be a threat to public safety, and the mere muzzling of such dog shall not satisfy the requirements of this order,

(b) such dog is being used as a so-called "hunting dog" and is being supervised by a person competent to restrain such dog so that it shall not be a threat to public safety.

*(Article XV, Dog Control Law)*

***Section 6-202 Rabies Control***

Whoever is the owner or keeper of a dog or cat in the Town of Southbridge that is 6 months of age or older shall have it vaccinated against rabies by a licensed veterinarian and revaccinated in accordance with MGL Chapter 140, Section 145B. Unvaccinated dogs and cats acquired or moved into Southbridge shall be vaccinated within 60 days or upon reaching the age of 6 months, whichever occurs first.

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Any dog or cat that is *not* currently vaccinated that bites and/or scratches any person shall be confined in an approved, adequate boarding facility for a period of not less than 10 days, at the owner's expense.

Any dog or cat that *is* currently vaccinated and bites and/or scratches any persons shall be confined at the home of the owner for a period of not less than 10 days.

Any animal or pet owned or harbored within the Town of Southbridge, exposed to a *confirmed* rabid animal shall abide by the Southbridge Rabies Control guidelines.

It shall be the responsibility of the pet owner to vaccinate any pet that has been quarantined according to the Southbridge Rabies Control guidelines, and to send the animal inspector a copy of the rabies certificate within 7 days of vaccination.

Any veterinarian bills incurred for vaccinating, or preparing any pet for rabies testing shall be at the pet owner's expense.

No rabies vaccine is licensed for use in wild animals or wild animals crossbred to domestic animals including wolf/dog hybrids and wild/domestic cat hybrids. They may be vaccinated with a killed virus vaccine by a licensed veterinarian that may or may not provide protection. If the animal bites or scratches a person or domestic animal, the wild animal or hybrid will be considered unvaccinated.

Whoever is the owner or keeper of any animal or pet in the Town of Southbridge, and who has received written notice of quarantine and does not comply with the quarantine order or, if the quarantined animal is found outside the approved enclosure of its owner or keeper and not under his immediate care, shall be subject to an immediate order to isolate or destroy.

Whoever is the owner or keeper of any animal or pet in the Town of Southbridge, and who has received written notice of quarantine, shall notify the board of health in writing prior to removing the animal or pet from Southbridge, giving the name, address and phone number as to where the animal is going to be housed.

**Penalty:** Violations of this by-law shall be enforceable through non-criminal disposition by any police officer of the Town of Southbridge or any animal control officer pursuant to G.L. c.40, §21D and Section 1-111 of the By-laws, and for such purposes, the following penalties shall be applicable:

First Offense	\$25.00
Second and Subsequent Offenses	\$50.00

**Enforcement:** It shall be the duty of the animal inspector to investigate and enforce the provisions of this By-law and to give written notice to the board of health, police chief and the pet owner in regards to all quarantines.

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***Collection of Fines and Fees:*** All fines and fees collected by the animal inspector shall be accounted for and paid over to the town clerk at such time and in such manner as may be designated by the town treasurer.

*(Article XV-A, Rabies Control)(TCM 11/7/94)*

***Section 6-203 Removal of Dog Litter***

If any dog shall defecate upon any property or area, as hereinafter defined, then the owner, keeper or person then walking or otherwise in charge of said dog shall immediately remove or cause to be removed from said property or area, all feces so deposited by said dog. Such owner, keeper or person must have in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such owner, keeper or person. This provision shall not apply to a person who is visually or physically handicapped. Unless said feces are removed, the owner, keeper or person then walking or otherwise in charge of said dog (or if said owner, keeper or person shall be a minor, then the parent or guardian) shall each be deemed to have committed a punishable offense.

As used in this By-law, "property or area" shall mean any public property or the common areas of any privately owned property owned or occupied by any person or persons who are not members of the family of the owner or keeper of or the person then walking or otherwise in charge of the dog.

The provision of this By-law shall not apply to a guide dog, hearing dog or service dog accompanying any person with a disability.

The commission of any offense punishable under this section shall be punishable by a fine not less than \$25.00 or more than \$100.00. Further, any violation of this by-law shall be enforceable through non-criminal disposition pursuant to G.L. c.40, §21D and Section 1-111 of the By-laws by the animal control officer or board of health, and for such purposes, Schedule of Penalties A through C shall be applicable.

*(Article XV-B, Proposed Pooper Scooper By-law)*

***SECTION 6-300 AUTOMATIC AMUSEMENT DEVICES***

***Section 6-301 Licensing of Automatic Amusement Devices***

***6-301.1 Definitions*** - For the purpose of this section, an "automatic amusement device" shall mean any mechanism whereby, through the insertion of a coin or token, any apparatus is released or set in motion or is put in a position where it may be set in motion for the purpose of playing any game, involving, in whole or in part, the skill of the player, including, but not exclusively, such devices as are commonly known as pinball machines, including free play pinball machines.

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*6-301.2 License Required* - It shall be unlawful for any person having title to or responsibility for the maintenance or operation of any restaurant, public hall, store, place of amusement or any other place to which members of the public may resort, to maintain, operate or permit to be operated or maintained in said premises, any automatic amusement device without having first obtained a valid license from the licensing authority pursuant to the provisions of this By-law.

*6-301.3 Gambling Devices Not Permitted* - Nothing in this By-law shall in any way be construed to authorize, license or permit any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device, or in any way contrary to law, or that may be contrary to any future laws of the Commonwealth of Massachusetts.

*6-301.4 Application* - Application for such license shall be made out in duplicate and submitted to the licensing authority upon a form to be supplied by the licensing authority for that purpose. The application for such license shall contain the following information:

(a) Name and address of the applicant, age, date and place of birth.

If said applicant is a corporation, partnership, association, or other business entity, said application shall include certified documentation sufficient to prove the applicant's existence, principal business address, person or officer upon whom service of process may be served, and the names and addresses of all directors, partners, or if an association, of all members of said association.

(b) Prior criminal convictions, if any, of applicant or its directors, partners or members as specified in (a) above.

(c) Place where machine or device is to be displayed or operated and the business conducted at that place.

(d) Description of machine or machines to be covered by the license, mechanical features, name of manufacturers, serial numbers(s).

(e) A floor plan of the business premises intended to be used for the housing of automatic amusement devices for play by members of the public. For the purpose of this subsection, the term "business premises" shall include the entire building or structure housing said automatic amusement devices, and open for public access. Said floor plan shall clearly indicate the total square foot area of said business premises and shall indicate the intended position of said automatic amusement devices. The scale of said plan shall be established by regulation of the licensing authority.

(f) An approved certificate of occupancy issued by the building inspector for the business premises intended to be used for the housing of automatic amusement devices for play by members of the public.

(g) A certificate of approval issued by the town electrical inspector verifying that the electrical installation in said premises is adequate for the uses intended and is in conformance with the Massachusetts Electrical Code (Form FPR-11) as amended.

(h) The names and residential addresses of all persons who have any equitable interest in, or who have otherwise contributed valuable consideration to the applicant's

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business or to the applicant personally, insofar as said interest or consideration relates to the procurement, maintenance, operation or display of automatic amusement devices.

(i) Documentation sufficient to provide that the automatic amusement devices sought to be licensed are lawfully in the possession of the applicant.

*6-301.5 Age of Applicant* - No license shall be issued to any applicant unless he or she shall be over 20 years of age, and provide proof of United States citizenship or legal residence status as an alien. This provision shall similarly apply to any applicant acting as the authorized agent of a corporation, partnership, association or other business entity.

*6-301.6 Consideration of Application* - The licensing authority shall conduct a public hearing in accordance with the provisions of MGL Chapter 39, Section 23B, within 30 days from the date of receipt by the licensing authority of a properly completed application as set forth above, to consider said application.

The licensing authority shall grant a license under the provisions of this By-law unless it specifically finds and states in writing within 30 days from the date of said public hearing that (a) the applicant is not a person of good moral character, or (b) that the granting of said license at the premises intended would lead to the creation of a nuisance or otherwise endanger the public health, safety, morals, order or general welfare by:

- (1) unreasonably increasing pedestrian or vehicular traffic in the area in which the premises are located, or
- (2) increasing the incidence of illegal or disruptive conduct in the area in which the premises are located, or
- (3) unreasonably increasing the level of noise in the area in which the premises are located, or
- (4) otherwise significantly harming the legitimate protectable interests of the affected citizens of the town.

No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote.

*6-301.7 License Fee* - Every applicant before being granted a license shall pay \$100.00 as the annual license fee for the privilege of operating or maintaining for operation each automatic amusement device as defined in Section 6-301.1. The license

fee shall be prorated based on the date of issuance. Each license shall expire on December 31<sup>st</sup> and may automatically be renewed upon payment of the annual licensing fee. A license shall not be transferable from person to person or place to place, and shall be usable only at the place and by the person designated in the license.

A license may be transferred from one device or devices to another similar device or devices upon application to the licensing authority to such effect and the giving of a description and the serial numbers of the devices involved in the transfer.

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If the place of business of the licensee shall move to another location within the Town of Southbridge, the license may be transferred to such new location only upon reapplication to the licensing authority in accordance with the provisions of Sections 6-301.4, 6-301.5 and 6-301.6 of this By-law. No new licensing fee need be paid upon transfer.

*6-301.8 Display of License* – The license herein provided for shall be posted permanently and conspicuously in the premises wherein said device or devices are to be operated or maintained to be operated.

*6-301.9 Revocation of License* - Every license issued under this By-law is subject to the right, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, permit the operation of any automatic amusement device contrary to the provisions of this By-law, the By-laws of the Town of Southbridge, or the laws of the Commonwealth of Massachusetts after written notice to the licensee, which notice shall specify the By-law or law violations with which the licensee is charged, if after a hearing, the licensee is found to be guilty of such violations. Ten days notice of the hearing shall be given the licensee. At such hearing the licensee and his attorney may present and submit evidence of witnesses in his defense.

*6-301.10 Seizure and Destruction of Device* - If the chief of police shall have reason to believe any mechanical device or devices are used as gambling devices, he shall, upon a validly issued search and seizure warrant cause said device or devices to be seized and impounded and if upon trial of the exhibitor for allowing said device or devices to be used as a gambling device, said exhibitor be found guilty, such device or devices shall be destroyed by the police, upon proper order by the court. However, if the device has been leased and the lessor has not been found guilty of any criminal violations, said device shall be returned to the lessor.

*6-301.11 Prohibitions* –

(a) No person holding a license under this By-law nor any employee or agent of such person shall permit persons under 20 years of age to play or operate any automatic amusement device located in an establishment also holding a license under the provisions of MGL Chapter 138, Sections 12 to 14, unless said person is accompanied by a parent. The licensee shall post permanently and conspicuously at the location of the device or devices so licensed in premises so licensed, a sign warning persons less than 20 years of age of this prohibition.

(b) All automatic amusement devices situated on business premises for play by members of the public shall be so installed as to afford an open and accessible space of 18 inches between each device and any adjacent device. Each device shall be installed in such manner as to afford a direct and unobstructed means of entrance and exit from the business premises by means of a corridor or system of corridors of no less than 36 inches in width.

(c) Any business establishment which utilizes more than a total of 150 square feet of open and accessible space between said devices and for use as corridors between or adjacent to said devices as detailed in the immediately preceding paragraph, or any

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business establishment which displays on its premises a number of automatic amusement devices available for play by the public, which devices if played simultaneously could accommodate an aggregate of fifty or more players, shall be deemed a place of public assembly and shall be subject to all regulations of the Commonwealth of Massachusetts State Building Code governing places of public assembly as set forth herein.

(d) It shall be unlawful for any licensee or permit holder to operate any establishment without an attendant on the premises; that is at least one employee in attendance at all times.

(e) In establishments not included under Section 6.301.11(a) it shall be unlawful for a licensee to allow any person under the age of 18 years of age to play an automatic amusement device during the hours of 8:00 A.M. to 3:00 P.M. when that person's school is in session.

(f) All suppliers or distributors of automatic amusement devices shall notify the licensing authority in writing prior to installation of an automatic amusement device in any establishment in the Town of Southbridge.

*6-301.12 Rules and Regulations of Licensing Authority* - The licensing authority shall issue rules and regulations for the use of such automatic amusement devices, but said rules and regulations may only relate to compliance with applicable laws or By-laws, or to public safety, health order or welfare, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons or the affected public. The licensing authority may also require from time to time the furnishing of reports concerning the ownership of such devices or other interest therein, and any other information which it may deem pertinent concerning such devices and their use and operation.

*6-301.13 Operation* - Any person, firm or corporation violating any of the provisions of this By-law, in addition to the revocation of his or its license, shall be liable to a fine or penalty of not less than \$50.00 nor more than \$200.00 for each offense. Every day that the offense continues shall be considered a separate violation. Violations of this by-law shall be enforceable through non-criminal disposition pursuant to G.L. c.40, §21D and Section 1-111 of the By-laws, and for such purposes, Schedule of Penalties A through C shall be applicable.

*6-301.14 Separability of Provisions* - It is the intention of the town council that each separate provision of this By-law shall be deemed independent of all other

provisions herein, and it is further the intention of the town council that if any provision of this By-law be declared invalid, all other provisions thereof shall remain valid and enforceable.

*(Article XVI, Regulations for Automatic Amusement Devices)*

***SECTION 6-400 OPERATION OF BICYCLES***

***6-401 Inspection and Registration of Bicycles***

*6-401.1 Bicycles to be Inspected and Registered* - No resident of the Town of Southbridge shall operate a bicycle on a public way in the Town of Southbridge without first having that bicycle safety inspected and numerically registered by the police department and unless the registration plate or decal issued therefore is attached to such bicycle.

*6-401.2 Safety Inspection* - The safety inspection shall include checks or tests on the following bicycle equipment: frame, wheels, brakes, handlebars, reflectors and seat.

*6-401.3 Application for Registration* - The application for registration shall contain the name, address, age of the owner, the make of the bicycle and serial number, if any affixed by the maker, or any other identifying marks.

*6.401.4 Registration Number* - The certificate of registration will include a numeric adhesive label assigned to the owner and attached by the police department. This will be recorded in a permanent log kept at the police department and will be in effect, unless suspended as hereinafter provided, so long as such registrants own said bicycles or five years from the original date of registration. The fee for this inspection will be \$1.00.

*6-401.5 Sale or Transfer of a Registered Bicycle* - Upon the sale or other transfer of a registered bicycle, the registrant shall remove the registration plate or decal and surrender the same to the police department, or may, upon application but without payment of additional fee, have a new plate or decal assigned to another bicycle owned by the applicant.

*6-401.6 Provisions Applicable to Bicycle Rental Agencies* - A bicycle rental agency in the Town of Southbridge shall not offer any bicycle for rent unless the bicycle is registered and a registration plate or decal is attached thereto as provided herein

*6-401.7 Impoundments of Bicycles* - A bicycle operated by any resident under the age of eighteen in violation of this section may be impounded by the police department for a period not to exceed 15 days. In order to recover possession of the impounded bicycle, proof of ownership must be provided within this 15-day period, and the bicycle must be registered.

*6-401.8 Provisions Applicable to Bicycle Rental Agencies, Enforcement of Section* - Violations of this By-law shall be under Clause 16B of Section 21 of Chapter 40, non-criminal disposition, with a fine of \$20.00, enforcement shall be by the police department.

*(Article XXIV - "The Safe Operation and Registration of Bicycles") (See MGL c. 85, §§ 11A-11D)*

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**CHAPTER 7  
PRESERVATION OF THE PUBLIC PEACE AND ORDER**

*Section*

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***SECTION 7-100 ISSUANCE OF LICENSES OR PERMITS***

***Section 7-101 Permits, In General***

In all cases in which these By-laws require a permit to be issued, the permit shall be applied for, and issued prior to the commencement of any work or activity for which the permit is required. As appropriate, the issuing authority may require a bond to be posted to assure compliance with standards imposed and the protection and preservation of public property. The issuing authority may, in appropriate circumstances, suspend any permit to the extent that the public health and safety so require, and may revoke said permit after a hearing.

***Section 7- 102 Regulation of Overhanging Objects/Devices***

No person shall place or maintain any sign, awning, canopy, shade, or frame for the same, in or over any street without first obtaining a permit from the town manager to do so. In no case shall any sign, awning, canopy, shade or frame be less than seven feet above the sidewalk, nor extend into the street beyond the line of the sidewalk. The town manager may require a bond to insure performance. (*Article VIII, § 1*)

***Section 7-103 Obstructions in Public Way***

7-103.1 No person shall place an obstruction, or cause an obstruction to be placed in any of the public streets or squares, or upon any public sidewalk, without first obtaining a written permit for a specified time from the chief of police. (*Article VIII, § 3*)

7-103.2 No person shall erect, set up or maintain any fence, portico, roof, platform, or doorstep extending into or over any public highway or street without first obtaining a written permit for a specified time from the chief of police. (*Article VIII, § 14*)

***Section 7-104 Regulation of Leaves, Garden Trimmings, Rubbish, etc., in Public Way***

7-104.1 No person shall sweep, rake or throw, or place any rubbish, leaves or other like substance upon any sidewalk or street in the town without first obtaining a permit from the chief of police. (*Article VIII, § 4*) (*TCM 2/25/08*)

7-104.2 No person shall place any rubbish, leaves or other like substance upon any sidewalk or street in the town except in waterproof covered containers or sealed waterproof bags not exceeding fifty (50) pounds gross weight or other similar and appropriate substances in officially approved recycling containers for the sole purpose of collection by employees or designated agents of the town during designated periods of collection. Such placements, conforming to these guidelines, shall be exempt from the provisions of Section 7-104.1 of these bylaws. Such containers shall not remain upon

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any sidewalk or street in the town for longer than 24 hours before or after the collection period. (TCM 2/25/08)

***Section 7-105 Painting, Printing, etc., Figures or Pictures on Sidewalk or Street***

No person shall place, paint, print or work figures or pictures on any public sidewalk or street without a permit to do so issued by the chief of police. (Article VIII, § 4) (TCM 12/2/91)

***Section 7-106 Distribution of Certain Materials in Public Ways***

No person shall post any posters, handbills, placards, signs, notices or similar material upon any sidewalk, street, public building or other public property in the town; provided, however, that the town manager may designate particular locations where such materials may be posted. (Article VIII, § 6)

***Section 7-107 Restrictions on Playing Musical Instruments, Public Gatherings in Public Ways***

No person shall play upon any musical instrument or form any public gathering in any street or public place in the town without a written permit therefore from the town manager. (Article VIII, § 8)

***Section 7-108 Regulation of Digging in Public Ways***

No person, except the town manager and the director of the DPW in the lawful performance of their duties, or those acting under their orders, or those who are otherwise properly authorized, shall break up or dig in any street or public way in the town without first obtaining a written permit from the town manager, which permit shall state the regulations under which such excavation and restoration shall be done. All persons acting under such a permit shall put up, erect, and maintain a suitable railing or fence, or pedestrian walk around the part of the street so excavated, so long as the same shall remain unsafe and inconvenient for travelers, and sufficient lights shall be attached to such railings or fence from sunset to sunrise so as to protect all travelers from injury until the work is completed. The work or excavation done under said permit must be in accordance with such regulations and, upon the completion of said work, the surface of said street or way shall be promptly restored as specified in the permit. (Article VIII, § 9)

***Section 7-109 Regulation of Use of Public Areas for Assembly, Parades, etc.***

The town manager shall have control of the public streets, sidewalks and grounds of the town for all purposes of public gatherings, and no public assembly or parade on such places within the town shall be permitted unless a written permit stating the time, place, and purpose of such event has been issued by the town manager. (Article VIII, § 26)

***Section 7-110 Regulation of Use of Sound Trucks, etc.***

It shall be unlawful for any person, firm or corporation either as principal, agent, or employee to plan, use or operate for advertising purposes, or for any other purpose whatsoever, on or upon the public streets, alleys, sidewalks, or thoroughfares in the Town of Southbridge, any device known as a sound truck loudspeaker or sound amplifier or

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radio or phonograph with a loudspeaker or sound amplifier, or any other instrument known as a calliope, or any instrument of any kind or character which emits therefrom loud and raucous noises and is attached to and upon any vehicle operated or standing upon said streets or public places aforementioned unless a written permit stating the time, place and purpose of such event has been issued by the town manager. (*Article VIII, § 27*)

***Section 7-111 Restrictions on Use of Vehicles in/on Certain Town Owned Land***

No person shall drive, ride, push or tow any motor vehicle including, but not limited to, motorcycles, recreational vehicles as defined by MGL Chapter 90B, automobiles, mopeds, or other motorized conveyances upon any park, playground, cemetery, conservation land, school yard or any other land of the town, except as otherwise permitted by the town manager. No owner and no other person in custody or control of any of the above-described vehicles shall allow another person to drive, ride, push or tow said vehicle upon any of the lands above-described.

Any person who violates this By-law shall be punishable by a fine of \$25.00 for the first offense in any calendar year or by a fine of \$50.00 for any subsequent offense in a calendar year.

Any police officer who observes a violation of this By-law may, as an alternative to initiating criminal proceedings, give to the offender a written notice to appear before the Clerk of the District Court having jurisdiction of the offense, at any time during business hours, not later than 21 days after the date of such notice. Such notice shall be prepared in triplicate, on a form which complies with the requirements of MGL Chapter 40, Section 21D, as amended, and shall be delivered to the offender in a manner consistent therewith. Whenever practicable, said notice shall be signed by the offender, as an acknowledgement of the receipt thereof. The disposition of all such offenses shall follow the procedure established by MGL Chapter 40, Section 21D, as amended. (*Article VIII, § 33*)

***Section 7-112 Repair or Removal of Buildings Abutting Public Way***

*7-112.1* Any person who intends to repair or take down any building on land abutting on any way which the town is required to keep in repair and intends 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 town manager. Thereupon, the town manager may grant a permit to occupy a portion of said way to be used for such purposes as in the judgment of the town manager the necessity of the case and security of the public require. Such permit, in no event to exceed a period of more than 90 days, shall contain such conditions as the town manager may require. Sufficient lights shall be so placed from sunset to sunrise as to protect all travelers from injury. (*Article VIII, § 12*)

*7-112.2* The town manager may, before granting such permits, require such persons to furnish a satisfactory bond to save the town harmless from any damages that may arise from such obstructions in the street and to insure the faithful compliance with the conditions of said permit. (*Article VIII, § 13*)

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***Section 7-113 Hoisting Materials over Public Ways***

No person shall hoist any material from any street or sidewalk into a building adjoining same so that said material by being hoisted shall overhang any part of the street or sidewalk without first obtaining a permit from the chief of police. (*Article VIII, § 22*)

***SECTION 7-200 OPERATION OF MOTOR VEHICLES***

***Section 7-201 No Parking During Street Sweeping Operations***

During street sweeping operations, there shall be no parking on streets designated by the town manager or the director of public works. Any vehicle parked in violation of this By-law shall be removed by order of the town manager, chief of police or director of public works or their authorized representatives. If the vehicle is removed for the purpose of street sweeping operations, towing and storage charges may also be imposed, as otherwise provided by law. A record of registration numbers of each vehicle so removed shall be kept that also states the place to which it was removed, and the director of public works or his authorized representative shall, within 12 hours, report said information to the police department which shall notify the owner or his agent. Before the owner or his agent shall be permitted to claim a vehicle which has been removed as aforesaid to a garage or other convenient place, he shall furnish satisfactory evidence to the owner or person in charge of said garage, or the chief of police, of his identity and ownership or right to the possession of said vehicle. (*Article VIII, § 34*)

***Section 7-202 Inoperable Motor Vehicles in Public Ways***

No person owning, possessing or having charge of a motor vehicle that is inoperable shall allow said vehicle to remain out of use upon any street or way, except in case of emergency.

No person shall perform any work including, but not limited to, repair work, maintenance work, changing parts, etc., on any motor vehicle on any public street, public way or public parking lot, except such emergency repair work as is necessary to remove said vehicle from the said street, way or parking lot. (*Article VIII, § 35*) (*TCM 9/24/84*)

***Section 7-203 Parking of Vehicles in Excess of Certain Width and Height on Public Ways***

No person shall park any vehicle in excess of 7 feet in width or 8 feet in height on any public way for a period of longer than 20 minutes, unless for some purpose incidental to the operation of the vehicle, loading or unloading of the vehicle, or the performance of a service during a normal working day. (*Article VIII, § 36*)(*TCM 10/26/87*)

***Section 7-204 Moving Buildings***

No person shall move a building in a public way without a permit. Such permit may be issued by the town manager, upon such terms as public safety may require, and any person to whom a permit is granted shall execute a bond to the town in such a sum as the town manager deems appropriate.

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***Section 7-205 Motor Scooters***

*7-205.1 Definitions* - As used in this section, the term “motor scooter” shall mean any wheeled device designed to transport one or more persons which is powered by any type of motor, except:

- (a) any “motorcycle” or “motorized bicycle” as defined in MGL Chapter 90, Section 1;
- (b) any vehicle registered as a motor vehicle by the registrar of motor vehicles or lawfully exempt from registration;
- (c) any wheelchair used by a person with physical disabilities, or any similar mobility-assisting device used by a person whose ambulatory mobility has been impaired by age, illness, or physical ailment; or
- (d) any vehicle owned or leased by the Town of Southbridge.

*7-205.2 Prohibited Conduct* - No person shall operate any motor scooter on any portion of any public street or private street without permission of the owner(s) as shown on the official map of the town, including the sidewalk area of any such street, or on any other public property including schools, playgrounds, and parks, within the Town of Southbridge.

No person shall ride as a passenger on any motor scooter operated by another person in violation of the above restrictions.

*7-205.3 Exception* - Notwithstanding the prohibitions of Section 7-205.2, this By-law shall not prohibit the operation of any electric vehicle not capable of speeds in excess of 12 ½ miles per hour on any paved sidewalk or marked pedestrian crosswalk.

*7-205.4 Enforcement* - The provisions of this section may be enforced by any police officer of the Town of Southbridge, by any means available including, but not limited to, disposition pursuant to MGL Chapter.40, Sections 21 and 21D. Each day a violation exists shall constitute a separate violation.

When enforced through non-criminal disposition the penalties shall be as follows:

For operating a motor scooter in violation of Section 7-205:

First violation:	\$ 25.00
Second violation:	\$ 50.00
Third and subsequent violations:	\$100.00

For riding as a passenger on a motor scooter operated by another person in violation of Section 7-205:

First violation:	\$ 25.00
Second violation:	\$ 50.00
Third and subsequent violations:	\$100.00

***SECTION 7-300 PEDESTRIANS AND PERSONS ‘ON FOOT’***

***Section 7- 301 Use of Public Ways by Pedestrians***

*7-301.1 Definitions* – For the purpose of this section, the following words and phrases shall have the following meanings:

- (a) “Crosswalk” means that portion of the roadway included within the prolongation of the sidewalk lines at street intersections.
- (b) “Curb” means the lateral boundary of the roadway whether such curb is marked by curbing construction, or not so marked.
- (c) “Driver” means every person who drives or is in actual physical control of a vehicle.
- (d) “Handicapped Person” means any person so severely handicapped that he is unable to move from place to place without the aid of a mechanical device, wheelchair, walker, cane or canes, crutch, invalid tricycle or any similar device intended for and used by such person.
- (e) “Pedestrian” means any person afoot.
- (f) “Right-of-Way” means the privilege of the immediate use of the roadway.
- (g) “Roadway” means that portion of the street or highway located between the curb lines.
- (h) “Sidewalk” means that portion of a street between the curb line or roadway and the adjacent property line designated for pedestrian use.
- (i) “Stop” means, when required, complete cessation of movement.
- (j) “Street or Highway” means the entire width between property lines or every way or place of whatever nature when any part thereof is open to the use of the public, as a matter or right, for the purpose of vehicular traffic.
- (k) “Traffic” means pedestrians, vehicles and other conveyances whether single or together while using any highway for the purpose of travel.
- (l) “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

*7-301.2 Right-of-Way* - Where traffic control signals or pedestrian control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to a pedestrian crossing the roadway or street within any marked crosswalk or within any unmarked crosswalk.

Whenever stop signals or flashing red signals are in place at an intersection or a marked crosswalk between intersections, the pedestrian shall have the right-of-way over drivers of vehicles, and at such marked places drivers of vehicles shall stop before entering the nearest crosswalk and any pedestrian within or entering the crosswalk at either edge of the roadway shall have the right-of-way over any vehicle so stopped.

The driver of a vehicle shall stop before entering any crosswalk when any vehicle proceeding in the same direction is stopped at such crosswalk for the purpose of permitting a pedestrian to cross.

*7-301.3 Pedestrians Crossing Roadway* –

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(a) At no place shall a pedestrian cross any roadway other than by the most direct route to the opposite curbing, and when crossing at any place other than a crosswalk he shall yield the right-of-way to all vehicles upon the roadway. No person shall stand or loiter in any roadway other than in a safety zone, if such act interferes with the lawful movement of traffic.

(b) Signals - At intersections where traffic is directed by a policeman or by a stop and go signal, it shall be unlawful for any pedestrian to cross the roadway other than with released traffic, if such crossing interferes with the lawful moving of traffic.

(c) Standing on Sidewalk - It shall be unlawful for a pedestrian to stand on any sidewalk except as near as reasonably possible to the building line or curb line, if such standing interferes with the use of said sidewalk by other pedestrians.

(d) Pedestrian Crossing -

(1) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

(2) In a business district, no pedestrian shall cross a roadway other than in a crosswalk.

(e) Pedestrians Walking Along Roadways -

(1) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(2) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic, and upon meeting a vehicle shall step off to the left.

(3) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

(4) No person shall push a shopping cart in the roadway.

(f) Blind Pedestrians - Right-of-Way - Any blind person who is carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, or who is being guided by a dog shall have the right-of-way in crossing any street or highway, whether or not traffic on such street or highway is controlled by traffic signals.

The driver of any vehicle approaching the place where a blind person, so carrying such a cane or walking stick or being so guided, is crossing a street or highway shall bring the vehicle to a full stop and before proceeding shall take such precautions as may be necessary to avoid injury to the blind person. The provisions of this section shall not apply to a blind person who is not carrying such a cane or walking stick or is not guided by a dog, but the other provisions of this chapter relating to pedestrians shall be applicable to such person. However, the failure of a blind person to so use or so carry such a cane or walking stick or to be guided by a guide dog when walking on streets, highways or sidewalks shall not be considered evidence of contributory negligence.

(g) Handicapped Persons – Right of Way - Handicapped persons utilizing wheelchairs and invalid tricycles may go on a public street to cross in a crosswalk or to cross at any intersection where pedestrian crossing is not prohibited. The operator shall observe all laws and By-laws concerning pedestrians.

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No person shall interfere with any handicapped person using a wheelchair or invalid tricycle in accordance with the terms of this By-law.

Violations of this by-law shall be enforceable by any police officer of the Town of Southbridge pursuant to MGL Chapter 40, §21D and Section 1-111 of the By-laws, and for such purposes, Schedule of Penalties A through C shall be applicable. (*Article VIII, § 40*)(TCM 4/26/93)

***Section 7-302 Prohibition of Possession of Intoxicating Liquors in Public Places***

No person shall have in their possession an open container containing any intoxicating liquor in any park, playground, cemetery, conservation land or other public place in the Town of Southbridge, except as otherwise permitted by the town manager. Any person violating this By-law shall be punishable as provided in Section 1-111 of this code. (*Article VIII, § 31.1*)(TCM 11/29/74, 7/8/75)

***Section 7-303 Regulation of Coasting in Public Ways***

No person shall coast upon any sidewalk or upon any street except at such times, and in such places as may be designated by the town manager. A skateboard, scooter or any other device used to coast in violation of this section may be impounded. (*Article VIII, § 5*)

***Section 7-304 Use of Certain Articles/Devices Prohibited on Sidewalks***

No person shall drive, wheel, or draw any cart, bicycle, wheelbarrow, handcart, or wagon, except children's carriages or shopping carriages drawn by hand, upon any sidewalk in the town. This section shall not be construed so as to prohibit the use of any means of conveyance by a person who is handicapped or disabled and who is subject to the protection of federal or state law applicable to such persons. (*Article VIII, § 16*)

***Section 7-305 Play, Games, Sport, Other Activities Prohibited in Public Ways***

No person shall, in any street or way, throw stones, snowballs, sticks or other missiles, nor play ball, kick a football, nor play any other games which interfere with the free, safe and convenient use of said street or way by any person traveling or passing along on same. (*Article VIII, § 21*)

***SECTION 7-400 OWNERS/OCCUPANTS OF PROPERTY***

***Section 7-401 Care of Public Property, Buildings and Water Bodies***

No person shall in any manner remove, deface or injure any public property, public building or public grounds of the town, nor shall any person throw or place any substance into the same or into any of the public waters of the town. (*Article VIII, § 7*). Any violation of this section shall be enforceable by any police officer of the Town through non-criminal disposition pursuant to MGL Chapter 40, §21D and Section 1-111 of the By-laws, and for such purposes, Schedule of Penalties A through C shall be applicable.

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***Section 7-402 Regulation of Swinging Objects/Devices***

No person shall allow any gate or door belonging to premises under their control, and adjoining any public way, to swing on, over or into said public way. (*Article VIII, § 2*)

***Section 7-403 Notice of Intent to Do Work in Public Ways to be Given***

Whenever a department of the town is about to construct or repair any street or way, it shall, before beginning the work, give reasonable notice of such intention to other departments and corporations affected thereby and to all abutting owners. After such notice has been given and work completed, no department, corporation or person shall for a space of one year break up or disturb the surface of said street or way within the area so constructed and repaired except in the case of emergency. (*Article VIII, § 10*)

***Section 7-404 Town Boundary Markers to be Respected***

No person shall break, remove, deface or otherwise injure any marker or bound which marks a street, line or public way on town land. (*Article VIII, § 17*)

***Section 7-405 Street Lights, Warning Lights to be Respected***

No person shall extinguish any street light, nor extinguish or remove any light placed to denote an obstruction or defect in any street or way, without proper authority. (*Article VIII, § 19*)

***Section 7-406 Owners/Agents of Property Abutting Sidewalks Required to Remove Snow***

No owner or agent of an owner of premises abutting upon brick, concrete or other curbed or other finished sidewalk shall place or suffer to remain for more than 7 hours between sunrise and sunset any snow upon such sidewalk. Snow must be cleared to a minimum width of 36". Any packed snow or ice must be melted, covered with sand, sawdust or ashes, to prevent slipping. Such snow or ice may be removed from the sidewalk to the street, provided, however, that the same is windrowed at the gutter at the time of removal. No owner or owner's agent of premises abutting on a public way shall allow any fire hydrant close to the property to be obstructed by snow. No owner or owner's agent shall place any snow or ice removed from private property on a public way. Each owner or agent of premises in which he/she does not reside, must furnish a name, address and telephone number of the person designated by the owner or agent to comply with the provisions of this By-law. Said information shall be furnished to the department of public works on or before November 1 of each year and the director of public works shall be notified immediately upon a change of designation. Violations of this By-law, including failure to furnish information as required herein, shall be enforceable pursuant to General Laws Chapter 40, §21D and Section 1-111 of these By-laws, and for such purposes, Schedule of Penalties A through C shall be applicable.

If the owner, agent, or designee shall fail to properly clear the sidewalk and/or otherwise neglects or violates the duties imposed by this by-law, the town may, in addition to any other penalties available in law or in equity, perform or cause to be performed such duties at the expense of the owner. Such expense may be imposed as a municipal charges lien

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under the provisions of MGL Chapter 40, Section 58 and Section 5-109 of these By-laws. (Article VIII, § 23)(TCM 11/13/95)

***Section 7-407 No Snow, Ice or Water to be Permitted to Fall or be Discharged into Public Way***

No owner or person having care of a building abutting upon any curbed or finished sidewalk, the roof of which slants toward such sidewalk, shall permit such building to be without a barrier, snow guard, or other device to prevent the falling of snow or ice from such roof to the sidewalk, nor shall the owner or person having care of any such buildings permit water to discharge on any sidewalk from such building in such a manner as to flow over the sidewalk. (Article VIII, § 29)

***SECTION 7-500 MISCELLANEOUS***

***Section 7-501 Youth Protection Curfew***

*7-501.1 Purpose and Findings* - The town council has found that the incidence of crimes, violence and gang activity committed by and against minors or juveniles is increasing and has determined that a youth protection curfew By-law is necessary and desirable in order to:

- (a) Protect minors from each other and other persons in public places and establishments during nocturnal hours.
- (b) Assist the police in crime prevention.
- (c) Promote parental supervision and authority over minors.
- (d) Promote the furtherance of family responsibility and for the public good, safety and welfare.

*7-501.2 Definitions* - For the purpose of this section, the following words and phrases shall have the following meanings:

- (a) "Curfew hours" means 11:00 P.M. until 5:00 A.M. on any and all seven days of the week.
- (b) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, or an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (c) "Establishment" means any privately owned place of business operated for a profit to which the public is invited including, but not limited to, any place of amusement or entertainment.
- (d) "Guardian" means -
  - (1) a person who, under court appointment, is the guardian of the person of a minor, or
  - (2) a public or private agency with whom a minor has been placed by the court.
- (e) "Minor" means any person less than 17 years of age.
- (f) "Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (g) "Parent" means a person who is -

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- (1) a natural parent, adoptive parent, or step-parent of another person, or
- (2) at least 18 years of age and authorized, in writing, by a parent or guardian to have the care and custody of a minor.

(h) "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, parks, playgrounds and the common areas of schools, hospitals, apartment houses, office buildings, commercial or industrial buildings, transport facilities, shops and businesses.

(i) "Remain" means to -

- (1) linger or stay; or
- (2) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

*7-501.3 Offenses -*

(a) A minor commits an offense if he/she remains, either on foot or in a vehicle, in any public place or on the premises of any establishment within the Town of Southbridge during youth protection curfew hours.

(b) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain, either on foot or in a vehicle, in any public place or on the premises of any establishment within the town during youth protection curfew hours.

(c) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during youth protection curfew hours.

*7-501.4 Defenses -*

(a) It is a defense to prosecution under Section 7-501.3(a) and (b) that the minor was:

- (1) accompanied by the minor's parent or guardian,
- (2) on an errand at the direction of the minor's parent or guardian, without any detour or stop,
- (3) in a motor vehicle involved in interstate travel,
- (4) engaged in an employment activity, or going to or returning home from an employment activity, without detour or stop,
- (5) involved in an emergency,
- (6) on the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence,
- (7) attending an official school, religious, or other activity supervised by adults and sponsored by the Town of Southbridge, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the Town of Southbridge, a civic organization or other similar entity that takes responsibility for the minor,

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(8) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly, or

(9) married or had been married and was in compliance with the provisions of MGL Chapter 207, Sections 7 and 25, as amended.

(b) It is a defense to prosecution under Section 7-501.3(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during youth protection curfew hours and refused to leave.

*7-501.5 Enforcement* - Enforcement for violation of this section shall be by non-criminal disposition as hereinafter provided. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place or on the premises of an establishment. The officer shall not issue a notice to appear under Section 7-501.6 for a violation of this section unless the officer reasonably believes that an offense has occurred and that based on any response and other circumstances, no defense under Section 7.501.4 is applicable.

*7-501.6 Penalty*

(a) *Non-Criminal Disposition* - Any person who violates any provision of this section may be penalized by a non-criminal disposition as provided for under MGL Chapter 40, Section 21D, as amended. This section shall be enforced by a police officer of the Town of Southbridge who shall issue a "Notice to Appear" in court. The penalty for each violation shall be under Schedule of Penalties A through C, for each day or part of a day during which the violation is committed, continued or permitted. A copy of the "Notice to Appear" in court which is given to a minor shall be forwarded to the parent(s) or guardian(s) of said minor for informational purposes.

*7-501.7 Conclusion* - The Youth Protection Curfew By-law is a tool established for the protection of children. Judgment and discretion should be used fairly and equally in enforcing this By-law. Juveniles who are contacted in violation of the curfew By-law can be warned, directed to go to their home, may be taken to their home, summonsed to court, arrested and taken into custody, or issued a non-criminal violation notice to appear. The officer should choose an appropriate enforcement option based upon all the circumstances encountered.

*7-501.8 Construction and Severability* - Severability is intended throughout and within the provisions of this By-law. If any provision, including *inter alia*, any exception, part, phrase or term or the application of a provision to any person or circumstances is held to be invalid, other provisions or the application of a provision to other persons or circumstances shall not be affected thereby. It is intended that the By-law would not be applied where its application would be unconstitutional.

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***Section 7-502 Disorderly Actions***

7-502.1 A person is guilty of disorderly actions if a person knowingly or purposely creates a condition which is hazardous to him or another in a public place by:

(a) Engaging in fighting or violent, tumultuous or threatening behavior in a public place; or

(b) Directing at another person in a public place obscene, derisive, or offensive words which are likely to provoke reaction on the part of any ordinary person; or

(c) Obstructing vehicular or pedestrian traffic on any public street or sidewalk or the entrance to any public building; or

(d) Engaging in conduct in a public place which substantially interferes with a criminal investigation, a firefighting operation, the provision of emergency medical treatment, or the provision of other services when traffic or pedestrian management is required; or

(e) Knowingly refusing to comply with a lawful order of a peace officer to move from any public place.

7-502.2 A person is guilty of disorderly actions if a person knowingly or purposely causes a breach of the peace, public inconvenience, annoyance or alarm, or recklessly creates a risk thereof by:

(a) Making loud or unreasonable noises in a public place, or making loud or unreasonable noises in a private place which can be heard in a public place or other private places, which noises would disturb a person of average sensibilities; or

(b) Disrupting the orderly conduct of business in any public or governmental facility; or

(c) Disrupting any lawful assembly or meeting of persons without lawful authority; or

(d) Continuing, or causing or allowing to be made or continued any action under the foregoing subsections (a), (b), (c).

7-502.3 *Definitions* - In this section, "Lawful Order" means:

(a) a command issued to any person for the purpose of preventing said person from committing any offense when the officer has reasonable grounds to believe that said person is about to commit any such offense, or when said person is engaged in a course of conduct which makes his commission of such an offense imminent; or

(b) a command issued to any person to stop him from continuing to commit any offense when the officer has reasonable grounds to believe that said person is presently engaged in conduct which constitutes any such offense.

"Public Place" means any place to which the public or a substantial group has access. The term includes, but is not limited to, public ways, sidewalks, schools, hospitals, government offices or facilities, and the lobbies or hallways of apartment buildings, dormitories, hotels or motels.

Violations of this by-law shall be enforceable through non-criminal disposition pursuant to G.L. c.40, §21D and Section 1-111 of the By-laws, and for such purposes, the following penalties shall apply:

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First offense in a calendar year	\$50.00
Second offense in a calendar year	\$75.00
Third and subsequent offenses in a calendar year	\$100.00

*(Article XXV, Disorderly Actions, Adopted TCM 10/6/97)*

***Section 7-503 Noise Control***

*7-503.1 Unlawful Noise - Declaration of Nuisance* - It is hereby found and declared that the making, creation, or maintenance of excessive, unnecessary, unnatural or unusually loud noise, which is prolonged, unusual, and unnatural in its time, place and use, and constitutes an annoyance to a person of ordinary sensibility to sound, is hereby declared unlawful noise:

*7-503.2 General Noise Prohibition* -

(a) No person within the town shall make, continue, or cause to be made or continued any unlawful noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person, of normal sensitivity, residing in the area.

(b) The characteristics, standards, and conditions to be considered in determining whether a violation of the provisions of this section exists shall include, but shall not be limited to, the following:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or unnatural.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature and zoning of the area within which the noise emanates.
- (8) The density of the inhabitation of the area within which the noise emanates.
- (9) The time of the day or night the noise occurs.
- (10) The duration of the noise.
- (11) Whether the noise is recurrent, intermittent or constant.
- (12) Whether the noise is produced by a commercial or non-commercial activity.

(c) The following acts, among others, are declared to be unlawful noises in violation of this By-law, but said enumeration shall not be deemed to be exclusive, namely:

(1) Motor Noises: Any noise made by the motor of any automobile, truck, tractor, and motorcycle, not reasonably required in the operation thereof under the circumstances including, but not limited to, backfiring, motor racing, and screeching of tires because of rapid acceleration or excessive speed.

(2) Horns, Signaling Devices: The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the town, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of

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any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

(3) Exhausts: The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noise there from. No person while on a public or private highway, street or road shall operate a motor vehicle or motorcycle with the muffler or baffles cut out or removed.

(4) Defect in Vehicle or Load: The use of any automobile, motorcycle, or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(5) Rails, Pillars and Columns, Transportation Thereof: The transportation of rails, pillars, or columns of iron, steel or other material, over and along streets and other public places upon carts, trays, cars, trucks, or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

(6) Loading, Unloading, Opening Boxes: The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(7) Power Tools and Equipment: The use and operation between the hours of 10:00 P.M. and 7:00 A.M. of any power tool, saw, poser planer, or other power tool or appliance, such as a lawn mower, and non-power tools, such as a saw or hammer, so as to disturb the quiet, comfort, or repose of persons in any dwelling hotel, motel, apartment, or other type of residence, or of any person in the vicinity.

(8) Pile Drivers, Hammers: The operation between the hours of 10 P.M. and 7 A.M. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

(9) Blowers: The operation of any noise-creating blower or power fan or any internal combustion engine, between the hours of 10 P.M. and 7 A.M., the operation of which causes noise due to the explosion of operating gases or fluids, unless the noises from such blower or fan is muffled and such engine equipped with a muffler device sufficient to deaden such noise.

(10) Construction or Repairing of Buildings: The erection (including excavation), demolition, external alteration or repair of any building other than between the hours of 7 A.M. and 10 P.M. except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the inspector of buildings, which permit may be granted for a period not to exceed 3 days or less while the emergency continues and which permit may be renewed for periods of 3 days or less while the emergency continues. If the inspector of buildings should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 10

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P.M. and 7 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 10 P.M. and 7 A.M., upon application being made at the time the permit for the work is awarded or during the progress of the work.

(11) Hawkers and Peddlers: The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.

(12) Yelling and Shouting: Yelling, shouting, hooting, or singing on the public streets, particularly between the hours of 10 P.M. and 7 A.M. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity. Noise that disturbs two or more residents who are in general agreement as to the times and durations of the noise, and who reside in the immediate vicinity of the property from which the noise emanates, shall be prima facie evidence of a violation of this section.

(13) Animals and Birds: The keeping, or allowing to be kept, of any animal or bird, which by any frequent or long continued noise shall cause annoyance or discomfort to a reasonable person of normal sensitivity. The noise of any such animal or bird that disturbs two or more residents who are in general agreement as to the times and durations of the noise, and who reside in the immediate vicinity of property on which the subject animal or bird is kept, shall be prima facie evidence of a violation of this section.

(14) Radios and Other Such Devices: The use, operation or permitting to be played, used, or operated, any sound production or reproduction device, radio receiving set, musical instrument, drums, stereo, television set, loudspeakers, sound amplifiers or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of any reasonable person of normal sensitivity in any dwelling, hotel, hospital or other type of residence, or of any person in the vicinity thereof. The operation of any such sound producing device between the hours of 10 P.M. and 7 A.M. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle from which the sound emanates shall be prima facie evidence of a violation of this section.

(15) Loud Speakers, Amplifiers for Advertising: The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure unless permitted.

*7-503.3 Exemptions* - The following uses and activities shall be exempt from the noise prohibitions described in Sections 7-503.1 and 7-503.2 of this By-law:

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- (a) noises of safety signals, warning devices, and emergency pressure relief valves;
- (b) warning devices: any alarm, siren, bell, or whistle required by OSHA or other state or federal safety regulations;
- (c) noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency, or in connection with official police or fire business;
- (d) noises resulting from emergency work as necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from imminent exposure to danger, such as the removal of snow or debris after a storm;
- (e) ambient traffic noise generated by vehicles traveling on federal interstate highways or state defined primary or major secondary highways;
- (f) any aircraft operated in conformity with, or pursuant to, federal law, federal air regulations, and air traffic control instruction used pursuant to and within the duly adopted federal air regulations. Moreover, any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations;
- (g) all noises, resulting from normal operations of railroad trains are exempt, provided, however, that excessive use of railroad train signaling devices are declared to be loud, disturbing and unnecessary noises;
- (h) any sound, such as tire screeching, resulting from emergency braking;
- (i) highway and utility maintenance and construction of, or repairs to bridges, streets or highways or any public utility installation by or on behalf of the town or any public utility, or any agency of the state.
- (j) construction operations for which building permits have been issued, or construction operations not requiring permits due to ownership of the project by an agency of the government, provided such equipment is operated with the manufacturing mufflers and noise reducing equipment in use and in proper operating condition;
- (k) farming equipment or farming activity;
- (l) the reasonable use of amplifiers or loudspeakers for public addresses which are noncommercial in nature;
- (m) any non-amplified crowd noises resulting from legal activities, such as scheduled sporting events at publicly-owned arenas, stadiums or similar facilities, as well as public concerts, parades, fairs, shows and celebrations which have been properly permitted and licensed;
- (n) any other noise resulting from activities of a temporary duration permitted by law and for which a license or permit therefore has been granted by the town.

*7-503.4 Enforcement* - The police department shall be responsible for the administration and enforcement of this By-law including, but not limited to, the following duties and responsibilities:

- (a) Investigation of complaints of unlawful noise.
- (b) Documentation of violations of this By-law.
- (c) Issuance of written warnings for violation of this By-law.

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(d) Violations of this by-law shall be enforceable through non-criminal disposition pursuant to G.L. c.40, §21D and Section 1-111 of the By-laws, and for such purposes, the following penalties shall be applicable:

First offense in a calendar year	\$50.00
Second offense in a calendar year	\$75.00
Third and subsequent offenses in a calendar year	\$100.00

*7-503.5 Responsible Party* - If the person or persons responsible for any activity which violates this By-law cannot be determined, the person in lawful custody and/or control of the premises, including, but not limited to, the owner, lessee or occupant of the property on which the activity is located, shall be deemed responsible for the violation. The responsible person may be prosecuted under this By-law and shall be subjected to the penalties outlined in Section 7-503.4.

*(Article XXVI, "Noise Control)(TCM 9/22/97)*

***Section 7-504 Alarm Systems***

*7-504.1 Definitions* - For the purpose of this By-law, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) The term "alarm system" means an assembly of equipment and devices, or a single device such as a solid state unit which plugs directly into a 110 volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Fire alarm systems, alarm systems on motor vehicles and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises are specifically excluded from the provisions of this By-law.

(b) The term "alarm user" or "user" means any person on whose premises an alarm system is maintained within the town. Excluded from this definition are:

- (1) Municipal, county, state and federal agencies;
- (2) Central station personnel;
- (3) Persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. However, if such an alarm system employs an audible signal or a flashing light outside the premises, the user of such an alarm system shall be within the definition of "alarm user" and shall be subject to this By-law.

(c) The term "central station" means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise circuits or where guards are maintained continuously to investigate signals.

(d) The word "town" means the Town of Southbridge.

(e) The term "false alarm" means 1) the activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or of his employees or agents; or 2) any signal or oral communication

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transmitted to the police department requesting, or requiring or resulting in a response on the part of the police department when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises or no attempted robbery or burglary at a premises. Excluded from this definition are activations of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes and similar conditions.

(f) The term "police chief" means the chief of police of the Town of Southbridge or his designated representative.

(g) The term "police" or "police department" means the Town of Southbridge police department, or any authorized agent thereof.

(h) For the purposes of this By-law, the term "public nuisance" means anything which annoys, injures or endangers the comfort, repose, health or safety of any person(s) or of any community or neighborhood.

*7-504.2 Administrative Rules:* The police chief may promulgate such rules as may be necessary for the implementation of this By-law.

*7-504.3 Control and Curtailment of Signals Emitted by Alarm Systems -*

(a) Every alarm user shall submit to the police chief the names, addresses and telephone numbers of the user and at least two other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises wherein the alarm system is installed. The list of names, addresses and telephone numbers of the responders must be kept current at all times by the alarm user and shall be submitted during the first month of each fiscal year (July 1st).

(b) All alarm systems which use an audible bell or horn shall be equipped with an automatic shut off device which will deactivate the alarm system within 10 minutes. All alarm users with an audible bell or horn must comply with this section within 90 days of the adoption of this By-law.

(c) Any alarm system which fails to comply with the above paragraph (b) and emits a continuous and uninterrupted signal for more than 30 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 (a) of this section, and which disturbs the peace, comfort or repose of a community, or a neighborhood of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the police chief shall endeavor to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph (a) of this section in an effort to abate the nuisance. The police chief shall record the time each complaint was made.

In the event that the police chief is unable to contact the alarm user, or members of the alarm user's family, or those persons designated by the alarm user under paragraph (a) of this section, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system, and if the police chief is otherwise unable to abate the nuisance, he may direct a police officer or a firefighter or a qualified alarm technician to enter upon the property outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance.

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After an entry upon property has been made in accordance with this section and the nuisance abated, the police chief shall have the property secured, if necessary. The reasonable costs and expense of abating a nuisance in accordance with this section may be assessed to the alarm user, said assessment not to exceed \$50.00.

*7-504.4 Testing of Equipment* - No alarm system designed to transmit emergency messages directly to the police department shall be worked on, tested or demonstrated without obtaining permission from the police department communications section. Permission is not required to test or demonstrate alarm devices not transmitting emergency messages directly to the police department. An unauthorized test constitutes a false alarm.

*7-504.5 Penalties* - The following acts and omissions shall constitute violations of this By-law punishable by the fines as herein provided:

(a) An alarm user whose alarm system transmits or otherwise causes three or more false alarms in a 12 month period shall be assessed a fine of \$25.00 for the third false alarm in any 12 month period, \$50.00 for the fourth false alarm in any 12 month period, and \$100.00 for each subsequent false alarm in any 12 month period.

(b) An alarm user who fails to comply with any of the requirements of Section 504.3 of this By-law relative to control and curtailment of signals emitted by alarm systems shall be punished by a fine of \$25.00.

(c) An alarm user who fails to comply with any of the requirements of Section 7-504.4 of this By-law relative to the testing of equipment shall be punished by a fine of \$25.00.

*7-504.6 Severability* - If any clause, sentence, paragraph, or part of this local By-law or the application thereof to any person or circumstances shall for any reason be adjudged by a court to be invalid, such judgment shall not affect, impair or invalidate the remainder and the application thereof to other persons or circumstances but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the intent of the Town of Southbridge that this enactment would have been adopted had such invalid provisions not been included therein.

*(Article XXII, Alarm Systems Regulations)(TCM 3/28/94)*

***Section 7-505 Fire Regulations***

*7-505.1 Entry to Property to Make Inspections* - The chief of the fire department, or any member of said department authorized by the chief as an inspector, may at all reasonable hours enter any building or premises for the purpose of making any inspection or investigation which, under the provisions of a town By-law, state law, rule or regulation, the fire department may be authorized to make. *(Article IX, § 1)*

*7-505.2 Dangerous or Hazardous Conditions* - Whenever the chief or any inspector of the fire department shall find in any building or upon any premises

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dangerous or hazardous conditions as hereinafter defined, such conditions shall be removed or remedied in any reasonable manner and within such time as ordered by the chief of the fire department:

- (a) dangerous or unlawful amounts of combustible or explosive matter;
- (b) hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter;
- (c) dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly flammable materials;
- (d) accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts;
- (e) obstructions, including motor vehicles, to or on fire escapes, stairs, passageways, doors or windows, which may interfere with the operations of the fire department or egress of occupants in case of fire;
- (f) any building or other structure which, for want of repairs, lack of exit facilities, or dilapidated condition, or from any other cause, creates a fire hazard.

The service of such orders as mentioned in this section may be made upon the owner or occupant either by delivering a copy to him personally, or in the case where no such person is found, by affixing a copy thereof in a conspicuous place on said premises, or by mailing such copy by registered mail to the owner's last known post office address as appearing on the assessors' records. (*Article IX, § 2*)

*7-505.3 Fire Detection and Suppression Systems* - The chief of the fire department, or a fire inspector, shall inspect each business, mercantile and manufacturing establishment, school, place of assembly, hospital, place of detention, rooming house, motel, hotel, nursing home, rest home, and multi-family house and shall specify suitable fire detecting devices or extinguishing appliances which shall be provided, in or near furnace rooms, kitchens of restaurants and like establishments, storage rooms containing combustible material, rooms in which hazardous manufacturing processes are conducted, garage sections, and other places of a generally hazardous nature. Such devices or appliances may be approved by the chief of the fire department. In especially hazardous processes or storage, appliances of more than one type or special systems may be required.

Sprinkler systems, standpipe systems, fire alarm systems and other fire protective or extinguishing systems or appliances which have been installed in compliance with this By-law shall be maintained in operative condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required, except that this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions. The chief of the fire department shall be notified before such tests, repairs, alterations or additions are started, unless the work is to be continuous until completion. (*Article IX, § 3*)

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*7-505.4 Fires in Public Places Prohibited* - No person shall make a fire in any public place, without first having obtained in writing the permission of the chief of the fire department or his authorized representative. (*Article IX, § 4*)

*7-505.5 Fires in Other Places Prohibited* - No person shall allow a fire to burn or smolder between sunset and sunrise, regardless of whether it be in barrels, containers, or open air, unless special permission is allowed by the fire chief. (*Article IX, § 5*)

*7-505.6 Fire Lanes* - No person shall park any vehicle within the limits of any private way or right-of-way which furnishes a means of access for fire apparatus to any building. The fire chief, or his designee, or the owner of property abutting such a way, with the approval of the fire chief, may post signs sufficient to warn drivers that parking is prohibited in a designated area. The registered owner of a vehicle shall be conclusively presumed, for the purpose of this By-law, to be responsible for the parking of a vehicle in violation hereof. The police department may enforce this By-law by use of the procedures set forth in MGL Chapter 90, Section 20A. Each violation of this section shall be punished by a fine as provided for in Section 7-206 of these By-laws. (*Article IX, § 6*) (TCM 11/24/80, 10/26/87)

***Section 7-506 Prohibition of “Camping”***

It shall be unlawful for any person to camp or occupy camp facilities in the following areas, except as otherwise provided by Town by-law: (a) Any park; (b) Any public street or way; (c) Any publicly owned parking lot or publicly owned area, improved or unimproved.

For purposes of this regulation, the following definitions are applicable:

(1) “Camp” shall mean to pitch, erect or occupy camp facilities for the purpose of or in such a way as will permit remaining overnight, or parking a trailer, camper or other motor or non-motor vehicle for the purpose of remaining overnight. This shall not include the lawful parking or storage of a recreational vehicle that is not being occupied.

(2) “Camp facilities” shall include, but are not limited to, tents, huts, temporary shelters, or any motor or non-motor vehicle.

(3) “Overnight” shall mean any period of time between 12:00 midnight and 4:00 AM.

Any vehicle parked in violation of this Regulation may be towed away at the direction of any Police Sergeant, for the cost of which towing charges the owner will be liable. In addition to such towing charges, the owner may be liable to pay storage charges and fines for violation of these regulations.

Violations of this regulation shall be punishable by a fine of \$50.00. This regulation may also be enforced by noncriminal disposition in accordance with G.L. c.40, Section 21D and Section 1-111 of the Town of Southbridge, Code of By-laws. For noncriminal disposition, the enforcing agent shall be the police Department and the Fine Schedule shall be A,B and C as set forth in Section 1-111.

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***Section 7-507 Sex Offender Residency***

*7-507.1 Definitions* – For the purpose of this section, the following words and phrases shall have the following meanings:

(a) “PARK” means public land designated for active or passive recreational or athletic use by the Town of Southbridge, the commonwealth of Massachusetts or other governmental subdivision, and located within the Town of Southbridge.

(b) “SCHOOL” means any public or private educational facility that provides services to children in grades kindergarten-12.

(c) “DAY CARE CENTER” means an establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Office of Child Care Services.

(d) “ELDERLY HOUSING FACILITY” means a building or buildings on the same lot containing four or more dwelling units restricted to occupancy by households having one or more members fifty-five years of age or older.

(e) “PLACE OF WORSHIP” means a structure used for religious worship or religious education purposes on land owned by, or held in trust for the use of, any religious organization.

(f) “SEX OFFENDER” means a person who resides, works, or attends an institution of higher learning in the commonwealth and who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under G.L. c. 123A, §14, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said chapter 123A, whichever last occurs, on or after August 1, 1981.

(g) “SEX OFFENDER REGISTRY” means the collected information and data that is received by the criminal history systems board pursuant to Sections 178C to 178P, inclusive.

(h) “PERMANENT RESIDENCE” means a place where a person lives, abides, lodges, or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year.

(i) “TEMPORARY RESIDENCE” means a place where a person lives, abides, lodges, or resides for a period of less than five (5) consecutive days or fourteen (14) days in the aggregate during any calendar year, which is not the person’s permanent address or place where the person routinely lives, abides, lodges, or resides and which is not the person’s permanent residence.

(j) “ESTABLISHING A RESIDENCE” means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

*7-507.2 Sexual Offender Residence Prohibition* – It is unlawful for any sex offender who is finally classified as a level 2 or 3 offender pursuant to the guidelines of

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the Massachusetts Sex Offender Registry Board, to establish a permanent residence within five hundred (500) feet of any school, daycare center, park, elderly housing facility or place of worship. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence to the nearest outer property line of a school, day care center, park, elderly housing facility or place of worship.

*7-507.3 Notice to Move* – Any registered level 2 or level 3 sex offender who established a permanent residence within five hundred (500) feet of any school, day care center, park, elderly housing facility or place of worship shall be in violation of this section and shall, within thirty (30) days of receipt of written notice of the sex offender's non-compliance with this chapter, move from said location to a new location, but said location may not be within five hundred (500) feet of any school, day care center, park, elderly housing facility or place of worship. It shall constitute a separate violation for each day beyond the thirty (30) days the sex offender continues to reside within five hundred (500) feet of any school, day care center, park, elderly housing facility or place of worship. Furthermore, it shall be a separate violation each day that a sex offender shall move from one location in the Town of Southbridge to another that is within five hundred (500) feet of any school, day care center, park, elderly housing facility or place of worship.

*7-507.4 Penalties* – Violation of this bylaw, or of any regulations adopted hereunder, may be enforced through lawful means in law or in equity by the Board of Selectmen, The Town Manager, or their duly authorized agents, or any police officer of the Town of Southbridge including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D. Each day a violation exists shall constitute a separate violation. The penalties shall be as follows:

- (a) First Offense: Notification to offender that he/she has thirty (30) days to move.
- (b) Subsequent Offense: Non-criminal fine of \$300 and notification to the offender's landlord, parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board that the person has violated a municipal ordinance. Such a subsequent offense constitutes a breach of the peace for which the offender is also subject to immediate arrest.

*7-507.5 Exceptions* – A person residing within five hundred (500) feet of any school, day care center, park, elderly housing facility or place of worship does not commit a violation of this section if any of the following apply:

- (a) The person established the permanent residence and reported and registered the residence, in accordance with the regulations of the Massachusetts Sex Offender Registry Board, prior to the effective date of this by-law.
- (b) The person was a minor when he/she committed the offense and was not convicted as an adult.
- (c) The person is a minor.
- (d) The school, day care center, park, elderly housing facility or place of worship within five hundred (500) feet of the personal permanent residence was

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established after the person established the permanent residence and reported and registered the residence pursuant to the Sex Offender Registry Law.

(e) The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.

(f) The person is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to G.L. c. 123.

(g) The person is a mentally ill person subject to guardianship pursuant to G.L. c. 201, §6 or a mentally retarded person subject to guardianship pursuant to G.L. c. 201, §6A, residing with his or her guardian or residing within a group residence that is professionally staffed and supervised 24 hours a day. *(TCM 09/24/07)*

**CHAPTER 8  
PUBLIC WORKS**

- Section*        **8-100 STREETS AND SIDEWALKS**  
8-101 Standards for Street Layout or Acceptance as Public Ways  
8-102 Standards for Repairs to Private Ways  
8-103 Procedures for Curb Cut Permits  
8-104 Buildings to be Assigned Street Numbers  
**8-200 DRAINAGE AND EROSION CONTROL**  
8-201 Drainage and Erosion Control  
**8-300 SANITARY SEWERS**  
8-301 Sewer Regulations  
**8-400 WATER SUPPLY AND DISTRIBUTION**  
8-401 Water Regulations

**SECTION 8-100 STREETS AND SIDEWALKS**

***Section 8-101 Standards for Street Layout or Acceptance as Public Ways***

All streets hereafter laid out or accepted by the town as a street or public highway shall be at least 50 feet in width, unless otherwise determined by the town manager, and shall not be accepted unless a plan showing in detail the location and proposed grade of such way is placed on file with the town clerk 7 days, at least, before the date of the town council meeting at which the acceptance of such way as a street or public highway is requested, and unless the construction of such way is in accordance with planning board subdivision regulations outlining street construction, and conforming to the grade set forth in said plan by the land owner or owners proposing the acceptance of such street or way. (*Article VIII, § 18*)

***Section 8-102 Standards for Repairs to Private Ways***

The town may make temporary repairs on private ways which have been opened to public use for a period of six years or more, provided the repairs are for the protection of the health and safety of the general public using such roads.

Such repairs shall include the filling of holes in the subsurface of such ways and repairs to the surface materials thereof. Materials for such repairs, where practical, should be the same as, or similar to, those used for the existing surfaces of such ways, but may include surfacing the ways with bituminous materials, including but not limited to bituminous concrete.

Drainage determined to be necessary as a result of the repairs by the director of public works may also be done. Drain repairs shall be made only if petitioned for by all the abutters who own frontage on such ways with the approval of the land owner, if necessary, and if the town council declares that they are required by the public necessity and convenience to make such repairs based on the recommendation of the town manager and an advisory opinion of the director of public works. Drainage easements, if

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necessary, shall be the responsibility of the petitioners. The cost of such repairs shall be paid by the abutters by a cash deposit as herein provided.

No repairs shall be commenced unless and until a cost deposit equal in amount to the estimated cost of such repairs, as determined by the director of public works, is paid over to the town and the town council has voted its approval of the project. No betterment charges shall be assessed.

The town shall not be liable on account of any damage whatsoever caused by such repairs and Section 25 of Chapter 84 shall not apply. The town shall require an indemnity agreement executed by the petitioning abutters, indemnifying the town for all claims and damages which may result from making such repairs.

The town may, subject to the approval of the town council and based on the recommendation of the town manager and an advisory report from the director of public works, make temporary minor repairs to private ways not to exceed \$500.00 in total, provided the private way has been open to public use for a period of six years or more. The repairs shall be limited to minor work such as filling, patching, and grading or scraping not more than twice per year.

No such repairs shall be done unless there is unanimous agreement by all abutters that the work shall commence and the town of Southbridge shall be held harmless from any and all damages or claims arising out of such repairs. MGL Chapter 84, Section 25 shall not apply. (*Article VIII, § 39 (TCM 12/17/90)*)

***Section 8-103 Procedures for Curb Cut Permits***

Every curb cut onto a public way shall be made in conformity with standards and procedures established by the Town Manager.

The director of public works shall from time to time propose to the Town Manager adoption, amendments or revisions to reasonable rules and regulations governing the location and installation of curb cuts onto town ways not inconsistent with the subdivision control law or with any other provisions of a statute or of any valid by-law or By-law of the town. Curb cut rules and regulations may prescribe the size, form, contents, style and number of copies of plans and the procedure for the submission and approval thereof, and shall set forth the design requirements and methods of construction to satisfy the town's standards. A true copy of the rules and regulations, with their most recent amendments, shall be kept on file available for inspection in the office of the inspector of buildings, in the office of the director of public works and in the office of the town clerk.

Prior to promulgating amendments or revisions to such rules or regulations, the Town Manager, or the Town Manager's designee, shall first publish in a newspaper of general circulation in the town once in each of two successive weeks notice that a public hearing will be held concerning adopting, amending or revising such rules and

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regulations with information concerning the scope of the proposed action to be taken sufficient for public understanding; the first publication to be not less than 14 days before the day of the hearing. Following the promulgation of amendments or revisions to such rules and regulations, they shall forthwith be filed with the inspector of buildings, the office of the director of public works and the office of the town clerk.

**Transitional Provision**

*The Curb Cut Regulations in existence on the effective date of this By-law shall remain in effect until amended or revised in accordance with this section.*

***Section 8-104 Buildings to be Assigned Street Numbers***

Every building including, but not limited to, dwellings, apartment buildings, condominiums, and business establishments shall have affixed thereto a number representing the address of such building. Said number shall be of a nature and size and shall be situated on the building so that, to the extent practicable, it is visible from the nearest street or road providing vehicular access to such building. (*Article VIII, § 11, MGL c. 148, § 59*)

***SECTION 8-200 DRAINAGE AND EROSION CONTROL***

***Section 8-201 Drainage and Erosion Control***

*8-201.1 Conduct Prohibited* - No person shall dump, move, place, grade, excavate, fill or by any action cause or permit any soil, earth, sand gravel, rock, stone, or other material or water or liquid to be deposited or to roll, flow, or wash upon or over any public street, street improvement, road, sewer, storm drain, water course, or right-of-way, or any public property in a manner to damage or to interfere with the use of such property.

*8-201.2 Covering Required When Certain Materials are Transported* - When hauling soil, earth, sand, gravel, rock, stone or other material over any public street, road, alley or public property, such materials shall be covered, bound, or secured so that the materials will not blow or spill over and upon such street, road, alley or public property or adjacent private property. (*Article VIII, § 20*)

*8-201.3 Penalty for Violation of Section 8-201.1 or 8-201.2* - If any soil, earth, sand, gravel, rock, stone or other material or water or liquid is caused to be deposited upon or to roll, flow or wash upon any public property or right-of-way in violation of sections 8-201.1 or 8-201.2, the person responsible shall be notified and shall cause the same to be removed from such public property or way within 36 hours. In the event of an immediate danger to the public health or safety, notice shall be given by the most expeditious means and the material or liquid shall be removed immediately. In the event it is not so removed, the department of public works shall cause such removal and the cost of such removal by the department of public works shall be paid to the town by the person who failed to so remove the material and shall be a debt due the town. The cost of such removal shall be a lien upon all property and all rights to property, real or personal, of any person liable to pay the same from and after the time said cost is due and payable.

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*8-201.4 Approval of the Director of Public Works Required* - Approval of the director of public works shall be required for any connection to an existing storm drainage system located on public property within the town.

*8-201.5 Enforcement* - The town manager shall enforce this By-law and shall take any other suitable measures to assure compliance with this By-law. (*Article VIII, § 30*)

***SECTION 8-300 SANITARY SEWERS***

***Section 8-301 Sewer Regulations***

Every connection to the town sanitary sewer system shall be made in conformity with standards and procedures established by the Town Manager.

The director of public works shall from time to time propose to the Town Manager adoption of, or amendments or revisions to, reasonable rules and regulations relative to connections to the sanitary sewer system and regulating the discharge into said system. Sanitary sewer rules and regulations may prescribe the size, form, contents, style and number of copies of plans and the procedure for the submission and approval thereof, and shall set forth the design requirements and methods of construction to satisfy the town's standards. A true copy of the rules and regulations, with their most recent amendments, shall be kept on file available for inspection in the office of the inspector of buildings, in the office of the director of public works and in the office of the town clerk.

Prior to promulgating such rules or regulations or any amendments or revisions thereto, the Town Manager, or the Town Manager's designee shall first publish in a newspaper of general circulation in the town once in each of two successive weeks notice that a public hearing will be held concerning adopting, amending or revising such rules and regulations with information concerning the scope of the proposed action to be taken sufficient for public understanding; the first publication of such notice to be not less than 14 days before the day of the hearing. Following the promulgation of such rules and regulations or amendments or revisions thereto, they shall forthwith be filed with the office of the director of public works and the office of the town clerk. The Town Clerk shall have a copy of the same posted in each of the precincts of the Town.

***Transitional Provision***

*The provisions of the By-law regarding sanitary sewer existing on the date this By-law is adopted shall remain in effect until a new set of regulations is promulgated in accordance with this section.*

***SECTION 8-400 WATER SUPPLY AND DISTRIBUTION***

***Section 8-401 Water Regulations***

Every connection to the town water supply system shall be made in conformity with standards and procedures established by the Town Manager.

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The director of public works shall from time to time propose to the Town Manager adoption of, or amendments or revisions to rules and regulations relative to connections to the public water supply and regulating water usage. Water supply rules and regulations may prescribe the size, form, contents, style and number of copies of plans and the procedure for the submission and approval thereof, and shall set forth the design requirements and methods of construction to satisfy the town's standards. A true copy of the rules and regulations, with their most recent amendments, shall be kept on file available for inspection in the office of the inspector of buildings, in the office of the director of public works and in the office of the town clerk.

Prior to promulgating such rules or regulations or any amendments or revisions thereto, the Town Manager, or the Town Manager's designee, shall first publish in a newspaper of general circulation in the town once in each of two successive weeks notice that a public hearing will be held concerning adopting, amending or revising such rules and regulations with information concerning the scope of the proposed action to be taken sufficient for public understanding; the first publication of such notice to be not less than 14 days before the day of the hearing. If the Town Manager promulgates such rules and regulations or amendments or revisions thereto, they shall forthwith be filed with the office of the director of public works and the office of the town clerk. The Town Clerk shall have a copy of the same posted in each of the precincts of the Town.

*(Article XIX)(TCM 4/23/90)*

**Transitional Provision**

*The provisions of the By-law regarding water supply existing on the date this By-law is adopted shall remain in effect until a new set of regulations is submitted by the director of public works and approved by the town council, consistent with this provision.*

**CHAPTER 9  
RESTRICTIONS ON USE OF PRIVATE PROPERTY**

- Section*        **9-100 BUILDING**  
9-101 Building Inspections  
9-102 Plumbing and Gas Fitting Inspections  
9-103 Wiring and Electrical Standards  
**9-200 OTHER RESTRICTIONS ON USE OF PROPERTY**  
9-201 Regulation of Earth Removal  
9-202 Regulation of Signs

**SECTION 9-100 BUILDING REGULATIONS**

***Section 9-101 Building Inspections***

*9-101.1 Effect of this By-law* - None of the provisions of this building inspection department By-law shall be construed so as to conflict with the requirements of state law or any regulations issued there under. The Commonwealth of Massachusetts Department of Public Safety Board of Standards Building Code, otherwise known as 780 CMR, and General Laws, Chapter 143, Section 3A are considered minimum standards and regulations when not provided for in these By-laws. (*Article XI, § 1*)

*9-101.2 Department Established* - There shall be a department known as the building inspection department which shall be furnished and maintained at the expense of the town with office room and such supplies and implements as are necessary for the transaction of its business. (*Article XI, § 2*)

*9-101.3 Inspector of Buildings* - The town manager shall in June of each year appoint an inspector of buildings for the term of three years from that date and until another is appointed and qualified. Said inspector shall have charge and control of the enforcement of the regulations relative to buildings or structures and see that such regulations are complied with. The salary or compensation for the inspector of buildings shall be such as the town may from time to time determine. (*Article XI, § 3*)

*9-101.4 Restrictions on Person Appointed Inspector of Buildings* - The inspector shall have no financial nor business interest in the doing of work, or the furnishing of materials, for the construction, repair or maintenance of any building or structure in this town, nor in the making of plans or specifications therefor unless the inspector is the owner of the premises. (*Article XI, § 4*)

*9-101.5 Annual Report of Inspector* - The inspector shall keep a record of the business of the building inspection department and submit to the town manager a yearly report of such business and such other reports as the town manager may require and the report of the inspector of buildings shall be incorporated into the yearly report of the town; records to be open for the inspection of any citizen. (*Article XI, § 5*)

*9-101.6 Applications for Permits* - It shall be unlawful to construct, reconstruct, alter, repair, remove, or demolish a building or structure; or to change the use or

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occupancy of a building or structure; or to install or alter any equipment for which provision is made or the installation of which is regulated by 780 CMR without first filing a written application with the inspector of buildings and obtaining the required permit therefor.

Before commencing any activity described above, an application for a permit shall be filed with the inspector of buildings on forms furnished by the building inspection department giving a description of the building, pool, structure or additions, alterations or repairs proposed. Plans and specifications shall be submitted for examination and approval.

Also, a plan of the lot on which any proposed building is to be erected is to be filed with the application.

The location of the structure and its elevation in relation to the street is to be shown on the plot plan. All drawings are to be submitted in duplicate and one copy is to remain on file, the other copy to be stamped with this department's seal of approval. If the inspector is of the opinion that the requirements of this By-law have been complied with, the inspector shall thereupon issue said stamped permits to the applicants. (*Article XI, § 6*)

*9-101.7 Building Permit Fees* – Fees for building permits shall be established by the building inspector, with the approval of the town manager.

***Section 9-102 Plumbing and Gas Fitting Inspectors***

*9-102.1 Permits Required* - All persons who desire to engage in, carry on or work at the business of plumbing within this jurisdiction shall be registered or licensed by the State Examiners of Plumbers, in accordance with the provisions of MGL Chapter 142.

Before commencing work in a building every plumber shall first, except in the case of the repair of leaks, file at the office of the board of health, upon forms provided for that purpose, a notice of the work to be performed. No such work shall be done in any building except in accordance with plans to be submitted, if required, which shall be approved by the inspector of plumbing and a permit issued therefor. Permits to perform plumbing shall be issued to master plumbers only. Permits may be recalled if the conditions are violated. No septic tank shall be installed without a permit from the inspector of plumbing. (*Article XII, § 1*)

All work considered plumbing and covered within the Commonwealth of Massachusetts State Plumbing Code, Chapter 358 Acts of 1965 as amended will be performed within the rules and regulations of said code. (*Article XII, § 2*)

***Section 9-103 Wiring and Electrical Standards***

*9-103.1 Notice Required Before Installation of Wires, etc.* – No person shall install wires, conduits, apparatus, fixtures or other appliances for carrying or using

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electricity for light, heat or power within, or connected to any building, without first notifying the inspector of wires in writing of the proposed installations. (*Article XIII, § 1*)

*9-103.2 Notice Required Before Enclosing or Covering Wires, etc.* - No wire, appliance or apparatus shall be covered or enclosed without first notifying and obtaining permission to do so from the inspector of wires. Said notification to be given to the inspector at least 24 hours before said work is covered or enclosed. (*Article XIII, § 2*)

*9-103.3 Permit Required Before Any Electrical Work Begins* - No person or corporation shall do any electrical construction work, whether original work or alterations, without obtaining from the inspector of wires a written permit to do such work. (*Article XIII, § 3*)

*9-103.4 Application of these Provisions* - The above sections shall apply to all new construction and changes in existing construction in private dwellings and other buildings the owners of which do not regularly employ the full time services of a licensed electrician. (*Article XIII, § 4*)

*9-103.5 Application of State Electrical Code* - The inspector of wires is hereby authorized to enforce the rules and regulations as contained and provided in the current edition of the Massachusetts Electrical Code (527 CMR 12.00) for the installation of electric wiring and apparatus, and in accordance with the provisions and requirements therein contained. (*Article XIII, § 5*)

*9-103.6 Turning Off Electrical Current* – Whenever, in the opinion of the inspector of wires, any electrical conductors or appliances used for the distribution or consumption of a current, or electricity for light, heat or power purposes are in a dangerous condition, said inspector is hereby authorized to cause the current to be shut off, if the existing defect is not remedied within a reasonable time after written notice has been given to the owner or user of such defective conductor or appliance. (*Article XIII, § 6*)

*9-103.7 Installation of Electric Meters* - No meter shall be installed without a written permit from the inspector of wires. (*Article XIII, § 7*)

***SECTION 9-200 OTHER RESTRICTIONS ON USE OF PROPERTY***

***Section 9-201 Regulation of Earth Removal***

*9-201.1 Effect* - No person, firm or corporation shall excavate, process, or treat in any one year more than 50 cubic yards of soil, rock, sod, loam, peat, humus, clay, sand, earth, gravel or other minerals or materials from any land within the town without first obtaining a permit from the special permit granting authority (SPGA) of the town as provided in the following sections.

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*9-201.2 Authority and Applicability -*

(a) Authority - This By-law is adopted under authority of MGL Chapter 40A, Section 9 and Chapter 40, Section 21(17).

(b) Applicability - The special permit granting authority under this By-law shall be the planning board. A permit shall be granted only by an affirmative vote of two-thirds of the members of the SPGA. Permits shall only be granted in accordance with the procedures for notice, hearings, decisions and appeals set forth in MGL Chapter 40A, Sections 9 and 11. Any permit granted hereunder shall lapse within one year if substantial use has not sooner commenced.

*9-201.3 Administration -*

(a) Enforcement - This By-law shall be administered by the planning board and enforced by the building inspector. Written notice of any violation shall be provided to the owner of the premises, specifying a time for compliance, which shall not be less than one day or more than two weeks, depending upon the feasibility of quick compliance and the hazard or damage risk involved. Violation shall be subject to the maximum penalty allowed under MGL Chapter 40, Section 21(17), with each day that the violation continues beyond the specified time for compliance considered a separate offense. Violations of this by-law shall be enforceable through non-criminal disposition pursuant to G.L. c.40, §21D and Section 1-111 of the By-laws, and for such purposes, the following penalties shall apply:

First offense in a calendar year	\$50.00
Second offense in a calendar year	\$100.00
Third and subsequent offenses in a calendar year	\$200.00

*9-201.4 Exceptions to the By-law*

(b) A special permit shall not be required under this By-law for the following types of excavation:

- (1) Excavation for new structures, for which a valid building permit is in force.
- (2) The construction or reconstruction of any driveway if otherwise permitted.
- (3) Excavation in the course of normal and customary agricultural use of land.
- (4) Excavation in the normal use of a cemetery.
- (5) Excavation in the normal and customary maintenance of utilities.
- (6) Subdivisions shall not be exempted from the operation of this By-

law. However, they may apply for an earth removal permit at the time of application for definitive subdivision approval, and a public hearing may be held jointly for the purpose of obtaining an earth removal permit and subdivision approval. Security for site restoration purposes shall be provided per the requirements of this By-law, which shall be in addition to that required for the completion of public improvements as required in the Southbridge Subdivision Rules and Regulations.

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*9-201.5 Limited Operations Permit -*

(a) Permitted Activities – The following activities may be authorized by a limited operations permit issued by the enforcement agent, which shall be the building inspector unless otherwise provided for, without a public hearing unless such hearing is requested by the applicant. The building inspector may determine at any time that a public hearing by the planning board is required, and may require that any applicant for a limited operation permit shall first present his application to the planning board.

(1) Removal of less than 200 cubic yards of material from any one or more sites on a one time basis by any one applicant within any twelve month period.

(2) Removal necessarily incidental to construction on the premises under a currently valid building permit.

(b) Application – Application for a limited operations permit shall identify the location, the owner, the volume of material to be removed, and the period during which removal will take place. The application fee shall be \$20.00. The SPGA shall act on such application within thirty days of application.

The application shall be accompanied by a plan showing –

(1) The property lines.

(2) The area to be excavated.

(3) The distance from the property lines to the area to be excavated.

(4) The approximate contours before and after excavating.

(c) Requirements - All requirements of Sections 9-201.6(g)(1), removal operations, and 9-201.6(h), restoration operations, may be complied with by limited operations.

(d) Permit - A limited operations permit may set conditions regarding such things as time of completion, transport routes, and hours of operation, and if the operation entails having topsoil displaced from more than two acres simultaneously, security may be required assuring restoration within six months of expiration of the permit.

*9-201.6 Standard Operations -*

(a) Permits Required - All earth removal, process, or treating operations, except those qualifying under Section 9-201.5, limited operations, require a special permit (removal permit) to be acted on by the SPGA following a public hearing with published notice in a newspaper of general circulation in the town at least 14 and 7 days prior to the hearing and with written notice by certified return receipt mail, sent to all abutters and to all owners of property on both sides of a servicing street if having frontage within three hundred feet of the centerline of any proposed egress.

Removal permits shall expire one year from the date of issue, except that such permits may be granted for three years for operations which are located in an industrial district. Removal permits may be renewed upon application without hearing for the same length of time as originally issued following notice that renewal is contemplated published in a newspaper of general circulation in the town.

(b) Application - The application for an original or renewal removal permit shall be in writing and shall contain an accurate description of the portion of land in which the excavation will take place, shall state fully the purpose of the excavation, shall include

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the required fee, shall include an assessor's certified list of abutters in cases where a hearing is required, and shall include site plans drawn by a registered surveyor or engineer containing the following information:

(1) Property lines and names of all abutters including those across any way.

(2) Existing contours at two-foot intervals in the area from which materials are to be excavated and in surrounding areas at least 100 feet from any point in the area of excavation.

(3) Natural features such as wetlands, the 100-year floodplain, ground cover and groundwater. Water table elevation shall be determined by test pits and soil borings. A log of soil borings shall be included taken to the depth of the proposed excavation, congruent with the size and geological make-up of the site.

(4) A topographical map showing drainage facilities, final grades, and proposed vegetation and trees.

(5) Erosion and sediment-control plan.

(6) The amount and cost of proposed restoration materials, and where the applicant intends to get them.

(7) The application shall authorize the SPGA or building inspector access to the premises at any time in administration of this By-law.

(c) Fees – The application or renewal fee shall be \$300 per year of permit validity, plus any costs of advertising and notice.

(d) Authorization - A removal permit may authorize having topsoil removed from (and not yet restored to) a total of no more than five acres at any one time and at no more than five separate locations simultaneously. Additional acres may be authorized for operations which are located in an industrial district and which involve substantial on-site investment in fixed processing equipment.

(e) Security - The applicant shall provide security which will be forfeited to the town in the event of failure to comply with the requirements of this By-law or the removal permit issued.

Such security shall equal \$5000 per acre authorized for removal at any one time or such larger amount determined by the SPGA to be necessary in view of site conditions and proposals. Irrevocable security shall be provided in the form of a certified check or other form satisfactory to the town counsel and town treasurer. The security shall not be released until the surveyor or engineer has filed with the SPGA an "as-built" plan and has also certified that the restoration has been completed in compliance with the permit and the plans.

(f) Approval - The SPGA shall exercise its powers with due regard to:

(1) The health, safety and general welfare of the inhabitants of the town.

(2) Detriment to the neighborhood.

(3) Effect on natural resources including, but not limited to, the recharge of the water table or condition of the surface water.

Permits shall be granted only upon determination that the proposed operation will create no substantial hazard, will not cause environmental degradation outside the premises, and will not permanently impair the utility of abutting properties for uses

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allowed under the zoning By-law. The SPGA may impose on any permit conditions including, but not limited to, conditions upon methods of removal, type and location of structures, fencing, hours of operation, area, location and depth of excavation, steepness of slopes, drainage, disposition of boulders and stumps, restoration and planting.

Every permit shall contain the condition that inspection of the operation may be made at any reasonable hours by an agent of the SPGA to determine if conditions of the permit are being enforced.

(g) Standards of Operation - The following standards of operation shall apply to every permitted operation in addition to conditions imposed under Section 9-201.6(f) (approval) -

(1) Removal Operations -

a) No removal, processing, or treating shall take place for mining operations within:

- 1) 100 feet of an existing public way.
- 2) 300 feet of a residential property line unless specifically authorized in the permit.
- 3) 100 feet of stream or pond.
- 4) 5 feet of the annual high water table, as established by test pits and soil borings.

Observation wells shall be monitored for one year to establish this elevation. The information shall show the topographic plan and on a permanent monument erected upon the property.

b) All topsoil displaced shall be stockpiled on the site until termination of the operation or restoration, subject to condition of the SPGA.

c) The active excavation operation area shall not exceed a total of five acres in more than five separate sites at any one time. Natural vegetation shall be left and maintained on undisturbed land for screening and noise reduction purposes.

d) Any work or bank that slopes more than thirty degrees downward adjacent to a public street shall be adequately fenced at the top.

e) A substantial fence shall be provided enclosing the excavation or quarry where any excavation or quarry will extend under original round level or will have a depth of ten feet or more and create a slope of more than one foot vertical to two feet horizontal. Such fence shall be located ten feet or more from the edge of the excavation or quarry and shall be at least six feet in height or subject to condition of the SPGA.

f) Adequate provision is to be made for drainage during and after the completion of operations.

g) Adequate lateral support shall be maintained for all adjacent properties.

h) The use of explosives shall be done in accordance with the regulations for storage and handling of explosive as published by the Massachusetts Department of Public Safety, the Southbridge Fire Department, and the SPGA

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i) Any access to excavated area or areas in the process of excavation shall be adequately posted with KEEP OUT - DANGER signs.

j) Operation hours shall be only between 7 A.M. and 5 P.M. on weekdays excluding holidays, and trucks may enter and leave the premises only within such hours. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load.

k) Trucking routes and methods shall be subject to approval of the SPGA.

l) All access roads leading to public ways shall be treated with calcium chloride, stone or other suitable non-polluting material to reduce dust and mud for a distance of 200 feet back from the way. The operator shall clean up any spillage on public ways.

m) Access roads shall be constructed at an angle to the public way or with a curve so as to help screen the operation from public view.

(h) Restoration Operations - Immediately following the expiration or withdrawal of a limited operation or removal permit, upon voluntary cessation of operations, or upon completion of removal in a substantial area as in one (1) following, all land not built upon shall be restored as follows:

(1) Restoration shall be carried on simultaneously with excavation, so that when any five acre operation area has been excavated, at least three acres shall be restored before work commences (including building haul roads) on the next contiguous five acres. Final restoration work shall be complete within 60 days after expiration or withdrawal of a permit or upon cessation of operations.

(2) No finished grade shall be steeper than 3:1 (33%); 4:1 is preferred for erosion control and shall be required in sensitive areas.

(3) Retained topsoil shall be spread over the disturbed area to minimum depth of four inches and treated with one and one-half tons of lime per acre and 300 pounds of 10-10-10 fertilizer per acre (unless otherwise determined by the permit conditions) and seeded with a grass or legume mixture prescribed by the Conservation District or Massachusetts Department of Public Works for slope erosion control. Trees or shrubs of prescribed species will be planted to provide screening and reduce erosion during the establishment period.

(4) All debris, stumps, boulders, etc. shall be removed from the site and disposed of in an approved location or, in the case of inorganic material, buried and covered with at least two feet of soil.

(5) Unless the permit conditions expressly require alteration of drainage patterns, the land shall be left so that natural storm drainage shall leave the property at the original natural drainage points; and so that the hydrograph of any post-development stream is the same as that of the pre-development stream.

(6) All equipment, buildings and structures shall be removed from the area.

(7) Security release - Security shall not be released until sufficient time has lapsed to ascertain that the vegetation planted has successfully been established and that drainage is satisfactory.

(i) Revocation of Permits - The SPGA may revoke any permit which it has issued for good cause, and may take other action as shall be necessary either against the

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permittee or surety in the bond, to cause completion of the work forthwith in accordance with the terms of the application and permit, provided that it shall offer to the operator an opportunity for a hearing within 14 days after the revocation.

*(Article VIII, § 38) (TCM 3/12/90)*

***Section 9-202 Regulation of Signs***

*9-202.1 General Objectives - Purpose:* Signs are herein regulated in the interest of promoting traffic safety, preventing adverse community appearances while protecting the character of the area in which they are located. Signs are also regulated:

(a) To restrict private signs and lights which violate privacy, or which increase the probability of accidents by distracting attention or obstructing vision.

(b) To encourage signing and lighting and other communications which aid orientation, express local history and character.

(c) To prevent environmental damage to the community.

(d) To reduce conflict among private signs and lighting between environmental information systems.

(e) To increase opportunity for local groups to determine policies of private signing and lighting.

(f) To permit maximum legibility and effectiveness of signs and to prevent over concentration, improper placement and excessive bulk and area, by providing a limiting control.

*9-202.2 Definitions -*

(a) "Sign" means any visible device, display or structure used for visual communications for the purpose of or having the result of bringing the subject thereof to the attention of the public in general. A sign includes, but is not limited to, reading matter, letters, numerals, pictorial representations and patterns whether affixed to a building, painted or otherwise depicted on a building, or including separate and not affixed and including window signs. A permit is needed for all signs, except signs cited in Section 9-202.3(f) and single family residential signs.

(1) "Not Affixed Sign" means any sign not attached to a building.

(2) "Temporary Sign" means any sign identified below as temporary.

(b) "Special Information Districts" mean areas with high use by the general public and/or with recognized public significance which are particularly sensitive to the effects of private signs and lights. In these districts, the town shall exercise central control of signs and lights with specifically specialized guidelines and design review, which shall be established by regulation by the town manager. The town council shall establish special information districts by majority vote. These areas are to conform with and be consolidated with zoning districts.

(c) "Surface Area of a Sign" is the entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems, logos or other figures. Structural members shall be included. Only one side of a free-standing or projected double faced sign shall be calculated in surface area. All sides of multi-faced signs shall be calculated.

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9-202.3 *Allowed Signs* – Signs whose subject matter relates exclusively to the premises on which they are located, or to the products, accommodations or activities on those premises shall be allowed as follows:

(a) Number of Signs - Each building may have one building sign facing to each street on which the premises has frontage, identifying the building as a whole or its predominant use. In addition, there may be one occupancy sign and one pedestrian sign oriented to each side on which the premises have frontage relating to each occupancy within the building. A building may have an additional sign on the rear of the building it abuts on a municipal parking lot.

(b) Location of Signs -

(1) No sign shall overhang the public way to within 3 feet of the curb line. No sign except on a marquee or canopy providing shelter shall overhang more than 1/3 of the sidewalk width.

(2) No sign shall extend more than 15 feet above record grade or more than 4 feet above the lowest point on the roof line, and must be 7 feet above the sidewalk.

(3) The top of pedestrian signs shall be no higher than 10 feet above the sidewalk.

(4) For other than first floor occupants, occupancy signs shall be located between the second and third floors.

(c) Sign Area - With the exception below, the total surface area of all signs facing any street shall not exceed 15 times the square root of street frontage, and the combined area of all signs shall not exceed 15 x the square root of the combined street frontage:

<u>Street Frontage</u>	<u>Allowable Area</u>
20'	67 square feet

Expand to all sign sizes.

Sign Size Exceptions - No sign on a residential unit shall exceed 2 square feet. The following are allowed in addition to signs as limited by Section 9-202.3(b) -

(1) Names of buildings, dates of erection, monumental citations, and commemorative tablets up to 10 square feet in area, when permanent and integral part of a building.

(2) Building directories up to 20 square feet in area if located outside.

(3) Traffic control and guidance signs in conformance with public traffic sign standards but located on private property, and orientation signs up to 2 square feet in area displayed for purposes of direction or convenience, including signs identifying rest rooms, freight entrances, and the like.

(4) Permanent signs on the surface or inside display windows shall cover no more than ten percent (10%) of the display window area.

(d) Lettering Size -

(1) Building signs shall not employ letters exceeding eight inches (8") in height in residence districts as defined in the Town of Southbridge Zoning By-laws or eighteen inches (18") elsewhere.

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(2) Occupancy signs not exceeding eight inches (8") in height.

(3) Pedestrian signs not exceeding three inches (3") in height.

(e) Illumination -

(1) Special Districts - Signs shall be illuminated only by steady, stationary shielded light sources directed solely at the sign, so as not to interfere with the safe vision of motorists, pedestrians or neighboring premises.

(2) Other Districts -

a) Illuminated Signs - including neon signs shall not produce more than 10 foot candles measured at ten feet from the sign.

b) Signs shall not be illuminated between the hours of 11:00 PM and 7:00 AM unless related to an establishment operating those hours.

c) All permanent outdoor lights such as those used for area lighting or building floodlighting shall be steady, stationary shielded sources so as to avoid causing glare to motorists, pedestrians or neighboring premises.

(f) Temporary Signs - The following are allowed:

(1) Construction Signs - One unlighted sign up to 20 square feet identifying parties involved on the premises. One illuminated sign up to 40 square feet identifying owner and activity for which the construction is intended and describing the process, but not including any advertisement of any product. Such signs may be erected during ongoing construction activities only and shall be removed immediately upon cessation of the same.

(2) Real Estate Signs - One unlighted sign 20 square feet for commercial, 10 square feet for residential only pertaining to the sale, rental or lease of the premises on which the sign is displayed, to be removed 21 days after the sale, rent or lease.

(3) Event Signs - Not to exceed 30 square feet, relative to non-commercial sales, promotions, drives, campaigns or other events of a political, civic, philanthropic, educational or religious nature. Event signs shall not be erected more than 60 days prior to the date of the event, and shall be removed within 60 days after the event.

(5) Yard/Garage Sale Signs - Not to exceed 5 square feet displayed on private property and limited one to each premise. Not to be erected earlier than 3 days preceding the sale and shall be removed within 24 hours following the sale.

(6) Buildings occupied solely for political, civic, philanthropic, educational, religious or other non-commercial purposes - Signs related to such use of the structure are exempt.

(7) Miscellaneous Exempt Signs - Seasonal decorative signs.

*9-202.4 Administration* - No sign, except those specifically exempted by this By-law shall be erected without a permit issued by the inspector of buildings, application for which shall be accompanied by such scale drawings, photographs and other information as the building official may require. Special districts will require full design review by such official.

(a) Fees - Fees for sign permits shall be as fixed by the town council.

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(b) Removal of Non-conforming Signs - Non-conforming signs shall be removed by their owner within 10 days of the period set forth or the inspection official shall cause their removal at the expense of the owner.

*9-202.5 Non-conforming Signs -*

(a) Signs which were legally erected before the adoption of this By-law shall not be voluntarily rebuilt, altered or relocated without conforming to this By-law.

(b) Signs legally erected before this By-law that do not conform to the provisions of this By-law must be made to comply as follows:

(1) Special Districts - One year after the effective date of this By-law.

(2) Other Districts - All signs, two years after the effective date of this By-law.

*9-202.6 Special Circumstances Signs -* If the inspector of buildings determines that the general conditions specified cannot be met in special circumstances, a special permit may be allowed. Special circumstances may include, but are not limited to, unusual configuration, location or building use, maximum number of signs and/or total signage area as specified in Section 9-202.3(c). Special circumstances shall not apply to special information districts, Section 9-202.2(b).

*9-202.7 Appeals Board -* There shall be an appeals board to review any decision of the inspector of buildings composed of the town manager, the town council chair and three town councilors appointed by the chair of the town council. A 2/3 vote of the board will be required to overturn a decision of the inspector of buildings. An appeal must be filed in writing with the town manager within 15 calendar days of the inspector of buildings decision, which must also be in writing.

*(Article XVIII, Signs)(TCM 9/24/84)*

**CHAPTER 10**  
**PUBLIC HEALTH**

- Section 10-100 GARBAGE, RUBBISH AND REFUSE**  
10-101 Storage of Garbage, Rubbish and Refuse  
10-102 Collection of Garbage, Rubbish and Refuse  
10-103 Maintenance of Areas Free From Garbage, Rubbish and Refuse  
10-104 Enforcement  
**10-200 MANDATORY RECYCLING**  
10-201 Recyclable Materials  
**10-300 SMOKING CONTROL**

**SECTION 10-100 GARBAGE, RUBBISH AND REFUSE**

**Section 10-101 Storage of Garbage, Rubbish and Refuse**

*10-101.1* Garbage or mixed garbage and rubbish shall be stored in watertight receptacles with tight-fitting covers. Said receptacles and covers shall be of metal or other durable, rodent-proof material. Rubbish shall be stored in receptacles of metal or other durable, rodent-proof material. Such containers shall not remain upon any sidewalk or street in the town for longer than 24 hours before or after the collection period. (TMC 2/25/08)

*10-101.2* Clear plastic bags shall be used to store garbage or mixed rubbish and garbage only if used as a liner in watertight receptacles with tight-fitting covers as required, provided that the clear plastic bags may be put out for collection, except in those places where such practice is prohibited by local rule or By-law or except in those cases where the Department of Public Health determines that such practice constitutes a health problem. For purposes of the preceding sentence, in making its determination the Department shall consider, among other things, evidence of strewn garbage, torn garbage bags, or evidence of rodents. (TCM 4/5/93)

*10-101.3* The owner of any dwelling that contains 3 or more dwelling units, the owner of any rooming house, and the occupant of any other dwelling place shall be responsible for providing as many receptacles for the storage of garbage and rubbish as are sufficient to contain the accumulation before final collection or ultimate disposal, and shall conveniently locate the containers and shall provide covers or lids to prevent objectionable odors from enter any dwelling.

*10-101.4* The occupants of each dwelling, dwelling unit, and rooming unit shall be responsible for the proper placement of garbage and rubbish in the receptacles. (Article XX, § 2)(TCM 12/30/91)

**Section 10-102 Collection of Garbage, Rubbish and Refuse**

The owner of any dwelling that contains 3 or more dwelling units, the owner of any rooming house, and the occupant of any other dwelling place shall be responsible for

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the final collection or ultimate disposal or incineration of garbage and rubbish by means of:

- (a) the regular municipal collection system; or
- (b) any other collection system approved by the board of health; or
- (c) when otherwise lawful, a garbage grinder which grinds garbage into the kitchen sink drain finely enough to ensure its free passage, and is otherwise maintained in a sanitary condition; or
- (d) when otherwise lawful, a garbage or rubbish incinerator located within the dwelling which is properly installed and which is maintained so as not to create a safety or health hazard; or
- (e) any other method of disposal which does not endanger any person and which is approved in writing by the board of health.

*(Article XX, § 3)*

***Section 10-103 Maintenance of Areas Free From Garbage, Rubbish and Refuse***

*10-103.1 Land* - The owner of any parcel of land, vacant or otherwise, shall be responsible for maintaining such parcel of land in a clean and sanitary condition and free from garbage, rubbish or other refuse. The owner of such parcel of land shall correct any condition caused by or on such parcel or its appurtenance which affects the health or safety and well-being of the occupants of any dwelling or of the general public. *(Article XX, § 4(A))*

*10-103.2 Dwelling Units* - The occupant of any dwelling unit shall be responsible for maintaining in a clean and sanitary condition and free of garbage, rubbish, other filth or causes of sickness that part of the dwelling which he exclusively occupies or controls. *(Article XX, § 4(B))*

*10-103.3 Dwellings Containing Less than Three Dwelling Units* - In a dwelling that contains less than 3 dwelling units, the occupant shall be responsible for maintaining in a clean and sanitary condition, free of garbage, rubbish, other filth or causes of sickness the stairs or stairways leading to his dwelling unit and the landing adjacent to his dwelling unit if the stairs, stairways or landing are not used by another occupant. *(Article XX, § 4(C))*

*10-103.4 Common Areas* - In any dwelling, the owner shall be responsible for maintaining in a clean and sanitary condition free of garbage, rubbish, other filth or causes of sickness that part of the dwelling which is used in common by the occupants and which is not occupied or controlled by one occupant exclusively. *(Article XX, § 4(D))*

*10-103.5 Passageways* - The owner of any dwelling abutting a private passageway or right-of-way owned or used in common with other dwellings or which the owner or occupants under his control have the right to use or are in fact using shall be responsible for maintaining in a clean and sanitary condition free of garbage, rubbish, other filth or causes of sickness that part of the passageway or right-of-way which abuts his property and which he or the occupants under his control have the right to use, or are in fact using, or which he owns. *(Article XX, § 4(D)(1))*

***Section 10-104 Enforcement***

If the owner of any parcel of land, vacant or otherwise, or the owner or occupant of any dwelling unit or units, shall fail to provide for the proper storage and collection of rubbish and garbage, and maintenance of the property free from garbage and rubbish under the provisions of this By-law, the town may enforce the By-law by both criminal and non-criminal procedures. This by-law may be enforced through non-criminal disposition in accordance with G.L. c.40, §21D and Section 1-111 of the By-laws, and for such purposes, Schedule of Penalties D through F shall be applicable. Should the owner of any parcel or land, or the owner or occupant of any dwelling unit or units, fail to comply with the requirements of this by-law, the town may remove such garbage and rubbish at the expense of the owner or occupant. Such expense may be recovered in contract by the town or be imposed as a municipal charges lien under the provisions of MGL Chapter 40, Section 58 and Section 5-109 of these By-laws. (*Article XX, § 5*)

***SECTION 10-200 MANDATORY RECYCLING***

***Section 10-201 Recyclable Materials***

*10-201.1 Declaration of Intent-* There is hereby established a program for the mandatory separation of certain recyclable material from garbage or rubbish by the residents of the Town of Southbridge and the collection of these recyclables at the residents' curbside. The collection of separated recyclables shall be made periodically under the supervision of the Town Manager or the Town Manager's designee.

*10-201.2 Rules and Regulations –* The collection of recyclable materials shall be made in conformity with standards and procedures established by the Board of Health to protect the public health, and in consultation with the Town Manager.

The Board of Health in consultation with the Town Manager shall prepare, and may, from time to time, amend or revise reasonable rules and regulations relative to the collection of recyclable materials to protect the public health. Recycling rules and regulations may prescribe the size, form, style and number of containers and the type of material to be collected, what types of materials may be mixed and what types of materials must be kept separated. A true copy of the rules and regulations, with their most recent amendments, shall be kept on file available for inspection in the office of the board of health, in the office of the director of public works and in the office of the town clerk.

Prior to promulgating such rules or regulations or any amendments or revisions thereto, the Board of Health shall first publish in a newspaper of general circulation in the town once in each of two successive weeks notice that a public hearing will be held concerning adopting, amending or revising such rules and regulations with information concerning the scope of the proposed action to be taken sufficient for public understanding; the first publication of such notice to be not less than 14 days before the day of the hearing. The Board of Health shall provide the Town Manager and Director of Public Works with copies of such proposed amendments or revisions at least 14 days before the day of the hearing.

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Following the promulgation of such rules and regulations or amendments or revisions thereto, they shall forthwith be filed with the office of the director of public works, the office of the board of health and the office of the town clerk. The Town Clerk shall have a copy of the same posted in each of the precincts of the Town.

**Transitional Provision**

*The provisions of any By-law applicable to recycling existing on the date this By-law is adopted shall remain applicable to recycling in the Town until regulations regarding recycling are adopted in accordance with this section.*

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**APPENDIX – LIST OF AMENDMENTS, ADDITIONS, DELETIONS**

<b>Section 7-507</b>	<b>Sex Offender Residency</b>	<b>Added TCM 09/24/2007</b>
<b>Section 7-104.1</b>	<b>Regulation of Leaves, Garden Trimmings, Rubbish, etc. in Public Way</b>	<b>Amend TCM 02/25/2008</b>
<b>Section 7-104.2</b>	<b>Regulation of Leaves, Garden Trimmings, Rubbish, etc. in Public Way</b>	<b>Added TCM 02/25/2008</b>
<b>Section 10-101.1</b>	<b>Storage of Garbage, Rubbish and Refuse</b>	<b>Amend TCM 02/25/2008</b>
<b>Section 3-222</b>	<b>Agricultural Commission</b>	<b>Added TCM 2/23/2009</b>
<b>Sections 3-223</b>	<b>Economic Development Commission</b>	<b>Added TCM 10/3/2011</b>
<b>Sections 3-224</b>	<b>Industrial Development Financing Authority</b>	<b>Added TCM 10/3/2011</b>