

A

Code of By-Laws

for the

Town of Southbridge Commonwealth of Massachusetts



FINAL REPORT

of the

By-Law Review Committee

appointed as required by section 13-7-3
of the 2003 Home Rule Charter

Peter Ramirez, Chair
Ronald Daoust, Vice Chair
Karen Loin, Clerk
Daniel Charette
Karen Pickarski
Lawrence Spinelli

Michael P. Curran, Consultant

Unanimously adopted as the report of the committee at a meeting held on
August 23, 2006

TOWN OF SOUTHBRIDGE TOWN BY-LAW REVIEW COMMITTEE

FINAL REPORT
August 31, 2006

Section 13-7-3 of the Southbridge Town Charter reads, in part:

Within three months after the adoption of this charter, the town council shall appoint a by-law review committee to review the town by-laws to insure they are in compliance with the charter. Said committee shall report its recommendations to the town council within six months following their appointment. The committee may, in its discretion, engage a legal consultant and the town council shall appropriate sufficient funds to allow the committee to engage such services.

The appointment of the By-Law Review Committee was delayed by 12 months and it has taken considerably more than the 6 months to completion called for due to the complexity of the document.

Overall Approach

We (the By-Law Review Committee, Town Council Chairman, Town Manager and Review Committee consultant) agreed early on that simply blessing the town by-laws, in their present state, as being consistent with the new charter would not be the best use of this opportunity to review. The content and format of the present document is outdated and incomplete. We decided to incorporate those bits and pieces of Town regulations that exist presently only on 3x5 cards, pertinent State statutes, Special Acts that affect our municipality and other components of municipal by-laws or ordinances that should appear into these new documents. We have aimed at making the new Code of Ordinances of the Town of Southbridge as consistent in format as possible with other municipalities and with the State. Mike Curran, our consultant, has recently concluded a similar project with Weymouth and is well aware of the format and content commonly used throughout the State.

Accordingly, we have rearranged the present Southbridge By-Laws into 10 Chapters.

Chapter 1	General Provisions
Chapter 2	Elected Town Officers
Chapter 3	Appointed Town Officers
Chapter 4	Administrative Regulations
Chapter 5	Financial Regulations
Chapter 6	Licenses and Licensing Regulations
Chapter 7	Preservation of Public Peace and Order
Chapter 8	Public Works
Chapter 9	Regulations Affecting Use of Private Property
Chapter 10	Health Regulations

We have attempted to simplify (if such a word may be used in reference to a document of this complexity) the new Code, wherever possible, by referencing rather than repeating documents that may be subject to change by processes other than a Town Ordinance (e.g. Mass General Laws, Rules and Regulations of Town Departments where appropriate). This keeps items from “falling through the cracks” by avoiding the possibility of documents changing in one place and not the other.

Housekeeping

This Code of By-laws does not replace or negate the Zoning By-laws of the Town of Southbridge.

This Code of By-laws does not replace or negate the Sub-Division Control By-law of the Town of Southbridge.

There were several amended by-laws and fee schedules that existed as loose documents, not yet incorporated into the old By-laws booklet. The disposition of these “lost children” is as follows:

Building Permit Fees (Article XI, Section 8 last amended December 5, 2001 and revised in its entirety December 5, 2005) has been removed from the Revised Code and will exist as separate documents kept in the office of the Building Inspector with copies on file in the Town Clerk’s office.

Wiring Regulations (Article XIII last amended December 5, 2005) has been removed from the Revised Code and will exist as a separate document kept in the office of the Building Inspector with copy on file in the Town Clerk’s office.

Plumbing Regulations (Article XII last amended December 5, 2005) has been removed from the Revised Code and will exist as a separate document kept in the office of the Building Inspector with copy on file in the Town Clerk’s office

Curb Cut Regulations (Article VII, Section 10A last amended June 14, 2003) has been removed from the Revised Code and will exist as a separate document kept in the office of the Department of Public Works with copy on file in the Town Clerk’s office

Parking Fine Schedule (Article VIII, Section 37) has been removed from the Revised Code and will exist as a separate document kept in the office of the Police Department with copy on file in the Town Clerk’s office

Sewer Fees and Charges (last amended March 27, 2006) will exist as a separate document kept in the office of the Department of Public Works with copy on file in the Town Clerk’s office

Water Fees and Charges (last amended March 27, 2006) will exist as a separate document kept in the office of the Department of Public Works with copy on file in the Town Clerk's office

Transitional Provisions have been inserted into the Code, at certain points, to serve as reminders of future adjustments. These should be removed when the issues have been resolved.

We have not included Sections 1 and 2, Article I (General Provisions) of the present by-laws in the revised Code. We feel that they simply repeat portions of Robert's Rules and are better suited for inclusion in the RULES AND REGULATIONS OF THE TOWN COUNCIL.

Section 9-201 EARTH REMOVAL appears in the present Town By-Laws (Article VIII, Section 38) and also in the Zoning By-Laws. They started out the same but now contain differences. Section 9-201 of the revised Code reflects the Zoning By-Law version.

Recommendations

We strongly recommend,

that the Town of Southbridge establish the Traffic and Parking Commission described in Section 3-221 of the Code as soon as possible, and

that the Town of Southbridge consider reestablishing Taxi Cab Regulations (something that existed in the 1929 By-Laws but has disappeared since). They could reasonably be administered by the Traffic and Parking Commission which would be established by the new Code of Ordinances (Section 3-221).

Respectfully submitted;

Peter Ramirez, Chairman
Ronald Daoust, Vice Chairman
Karen Loin, Clerk
Daniel Charette
Karen Pickarski
Lawrence Spinelli

Michael P. Curran, Consultant

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