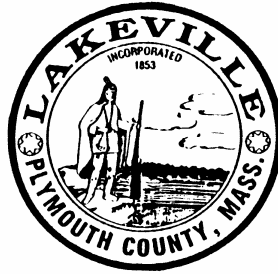


GENERAL-BY-LAWS



Town of Lakeville

1994 REVISION

(WITH AMENDMENTS THROUGH JULY 2010)

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BY-LAWS AND REGULATIONS

TOWN OF LAKEVILLE, MA

CHAPTER I

GENERAL PROVISIONS

Section 1. The following provisions shall constitute the Revised By-Laws of the Town of Lakeville, which shall be in lieu of all By-Laws heretofore in force.

Section 2. The financial year of the town shall begin with the first day of July in each year and end on the thirtieth day of the following June.
(Adopted May 13, 1974, approved by Attorney General June 6, 1974)

Section 3. Any or all of these By-Laws may be repealed or amended, or other By-Laws may be adopted at any town meeting, an article or articles for that purpose having been inserted in the warrant for such meeting by the Selectmen; or voters of the town, upon their written request signed by 10 registered voters.

Section 4. Whoever violates any of the provisions of these By-Laws, whereby any act or thing is enjoined or prohibited, shall unless other provision is expressly made, forfeit and pay a fine not exceeding twenty dollars for each offense.

CHAPTER II

TOWN MEETINGS

Section 1. The annual Town Meeting for the election of officers shall be held on the first Monday of April of each year.

(Adopted June 11, 2001; approved by Attorney General September 19, 2001)

Section 2. All business of the annual town meeting, except the election of such officers and determination of such matters as are required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting, to be held on the second Monday of May at 7:00 p.m.

(Adopted June 16, 1997, approved by Attorney General August 11, 1997)

Section 3. All warrants and notices of town meetings shall be served by posting an attested copy thereof fourteen days, at least, before the day appointed for a special town meeting and seven days, at least, before the day appointed for the annual town meeting at the following official posting places: Precinct 1 - Apponequet High School; Precinct 2 - Lakeville Senior Center and Precinct 3 – Assawompset School. In addition to the above named posting places, all warrants and notices of town meetings shall also be posted in at least one other location other than the official posting place in each precinct.

Said warrants and notices shall be published in a newspaper of general circulation within the town fourteen days, at least, prior to a special town meeting and seven days, at least, prior to the annual town meeting.

(Adopted June 16, 2003; approved by Attorney General September 9, 2003)

Section 4. Any article shall be received for insertion in the annual warrant by the Board of Selectmen up to 4:00 p.m. of the second Monday of March.

(Adopted May 8, 2006; approved by Attorney General June 14, 2006)

Section 5. The Selectmen shall insert in the warrant for the annual town meeting all subjects, the insertion of which shall be requested of them in writing by 10 or more registered voters of the town, and in the warrant for every special town meeting, all subjects, the insertion of which shall be requested of them in writing by one hundred registered voters or by 10% of the total number of registered voters of the town.

Section 6. The number of voters necessary to constitute a quorum at any town meeting shall be one hundred, provided, however, that a number less than a quorum may adjourn the same. *(Approved by Attorney General September 3, 1976)*

- (a) This section shall not apply to such part of meetings as are devoted to the election of town officers.

Section 7. The Moderator shall appoint tellers, who shall permit only registered voters upon the floor at the annual town meeting; the space in the rear may be reserved for non-voters; stage may be occupied under the direction of the Moderator in case of more space being required for voters.

Section 8. Articles in the warrant shall be acted upon in the order in which they appear, unless otherwise determined by vote of the meeting.

Section 9. All motions having to do with the expenditure of money shall be presented in writing.

Section 10. If a motion is susceptible of division, it shall be divided and the question be put separately upon each part thereof, if seven (7) voters so request.

Section 11. When a question is before the meeting, the following motions, namely, to adjourn, to lay on the table, for the previous question, to postpone to a time certain, to commit, to recommit, to refer, to amend, to postpone indefinitely, shall be received and shall have precedence in the foregoing order, and the first three shall be decided without debate.

Section 12. On proposed amendments, involving sums of money, the larger or largest amount shall be put to the question first, and an affirmative vote thereon shall be a negative vote on any smaller amount.

Section 13. When the question is put, the sense of the meeting shall be determined by a show of hands, the Moderator shall declare the vote as it appears to him. If the decision of the Moderator is doubted or a division of the house is called for by seven (7) voters, the Moderator may appoint tellers, the question being distinctly stated, and those voting in the affirmative and negative, respectively, shall rise and stand in their places until they are counted by the Moderator or tellers.

Section 14. The meeting may order that the vote on any motion shall be taken by a yes and no ballot.

Section 15. No vote shall be reconsidered at any town meeting, on any subject considered and voted upon at or during said meeting, unless such reconsideration is ordered by a vote of two-thirds of the voters present and voting.

Section 16. All articles in any warrant for a town meeting shall be referred to the finance committee for its consideration. The Selectmen shall transmit immediately a copy thereof to said committee; after due consideration of the subject matter of such

articles, by the committee, they shall report thereon to the town meeting, in writing, such recommendations as it deems best for the interest of the town and its citizens. Said committee shall investigate the financial needs of the town, and its departments, and shall prepare and submit in writing at the annual town meeting, a budget and recommendations of the committee thereon.

Section 17. The final date to obtain nomination papers shall be forty-eight (48) weekday hours prior to the hour on which nomination papers are due to the Board of Registrars for certification.

Chapter III

TOWN OFFICERS

TOWN ACCOUNTANT

Section 1. The Town Accountant shall examine the accounts of the Town Officers as required by the Statutes. Before certifying to the accounts of the Treasurer, he shall examine his cash book, wherein shall be entered his receipts and payments as they occur from day to day; shall see that he has paid out no moneys except on proper vouchers; carefully examine all payments for interest; examine cash and bank accounts, and see that the same correspond with the balances as appears by his books; and see that the funds are intact. He shall certify in the printed annual report as to the correctness of all the reports of officers or committees entrusted with the expenditure of money.

TOWN CLERK

Section 2. It shall be the duty of the Town Clerk, immediately after every town meeting, to notify in writing all members of boards, commissions and 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 boards, commissions or committees, also notify all officers, boards, commissions and committees of all votes passed at such meeting in any way affecting them.

All monies received by the Town Clerk from the issuance of licenses and tags for dogs shall be transferred to the Town Treasurer and subsequently paid into the Town treasury effective July 1, 1999.

(Adopted June 5, 2000; Approved by Attorney General January 10, 2001)

TOWN COLLECTOR

Section 3. The Collector of Taxes shall collect under the title of Town Collector, all accounts due the town, the collection of which is not otherwise provided for by the Statutes.

FINANCE COMMITTEE

Section 4. There shall be a Finance Committee of five (5) legal voters of the town, elected by ballot at the annual town meeting as hereinafter provided. No **elected** or appointed town **official** or town employee shall be eligible to serve on said **committee, however, Finance Committee members may serve on the Capital Expenditures Committee, Building Committees, Employee Search Committees, Energy Committees, Wage and Personnel Board, or any sub-Committee of the Regional School Committees.** At the first annual town meeting after this by-law becomes effective there shall be elected one member of said committee for a term of one year, two members for a term of two years, and two members for a term of three years, and thereafter elect them for terms of three years. The terms of office of said members shall commence immediately upon qualification and expire upon election and qualification of their successors, said committee to serve without pay.

(Adopted June 7, 2010; Approved by Attorney General July 6, 2010)

Section 5. In the discharge of its duties, the Finance Committee shall have free access to all books of record and accounts, bills and vouchers on which money has been or may be paid from the town treasury. Officers, Boards, Commissions and Committees of the town shall, on request, furnish the said committee with facts, figures and other information pertaining to their duties.

Section 6. It shall be the duty of the Finance Committee to make an annual report of its doings, with recommendations relative to financial matters and conduct of the town's business, to be contained in the annual town report.

FIRE ENGINEERS

Section 7. Under Sections 45 and 46 of Chapter 48, General Laws, the Selectmen shall annually, in April, appoint a suitable number of engineers, not exceeding twelve (12), for a term of one year from the following May 1st.

Superseded by June 27, 1991 town meeting acceptance of M.G.L. Chapter 48, Section 42A.

MODERATOR

Section 8. The Moderator shall be elected at the Annual Town Meeting, on the official ballot, for a term of one year.

SELECTMEN

Section 9. The Selectmen shall have general direction and management of property and affairs of the town in all matters not otherwise provided for by law or these by-laws.

Section 10. Replaced by Section 24.

Section 11. Appointive offices shall be filled within sixty (60) days following the convening of the business portion of the annual town meeting.

(Adopted May 11, 1981; approved by Attorney General August 17, 1981)

Section 12. Every officer shall pay into the treasury of the town all money received by him on behalf of the town, except as otherwise provided by law, and shall make a true return thereof to the Town Accountant, stating the accounts upon which such amounts were received.

Section 13. The selectmen and all boards, committees, heads of departments or other officers of the town authorized by law to expend money, shall furnish directly to the Board of Selectmen and Finance Committee by January 31st of each year, detailed estimates of the amounts necessary for the proper maintenance of the departments under their jurisdiction for the ensuing year with explanatory statements as to any changes from the amounts appropriated for the same purposes in the preceding year, and an estimate of amounts necessary for outlays or permanent improvements. They shall also prepare estimates of any income likely to be received by the town during the ensuing year in connection with the town's business or property entrusted to their care. The Selectmen shall include in their estimate the salaries and expenses connected with their own office, and the salaries of all other town officers shall be included in the estimate for the office, department or branch of the public service of which they are in charge. The Treasurer shall, in addition to his estimate of the amount required for the maintenance of his own office, prepare a separate statement indicating the amounts required for the payment of interest on the town debt and for the payment of such portions of the town debt as may become due during the succeeding year.

(Adopted May 13, 1974; approved by Attorney General June 6, 1974)

Section 14. 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, and may make therein such recommendations as they deem proper. Such reports shall be submitted to the Selectmen on or before the fifteenth (15) day of July each year.

(Adopted May 13, 1974; approved by Attorney General June 6, 1974)

Section 15. The Selectmen may sell any and all property acquired by the foreclosure of the right of redemption of tax titles; any sale under this section to be at public auction, and notice of any such sale together with a description of any property to be sold, to be posted the same as notice of town meeting namely: at least seven days prior to such sale.

(Adopted March 13, 1967; approved by Attorney General May 16, 1967)

Section 16. No person shall hold at one time the office of selectmen and the office of assessor in the Town of Lakeville.

(Adopted May 10, 1976; approved by Attorney General September 10, 1976)

Section 17. *Rescinded by vote taken January 31, 1994; approved by Attorney General March 15, 1994.*

Section 17A. The Board of Selectmen is authorized to accept gifts of land and easement on behalf of the Town without a Town Meeting vote provided no appropriation of funds is necessary for the acquisition. The Board of Selectman is also authorized to grant nonexclusive easements which the Board of Assessors has determined to have a fair market value of less than \$2,000.00 or less than 1,000 square feet in size with a Town Meeting vote.

(Adopted June 5, 2000; approved by Attorney General July 5, 2000)

BUILDING INSPECTOR

Section 18. The Building Commissioner shall be appointed for a term as established by the Board of Selectmen and shall be charged with the Administration of the State Building Code as amended from time to time and the Town of Lakeville Protective Zoning By-Law as amended from time to time.

Section 19. Before any building or structure as defined by the State Building Code as amended from time to time is constructed, reconstructed or altered, the Building Commissioner shall be furnished with a plan drawn to scale or acceptable to the Building Commissioner which shall show the lot dimensions, adjacent ways, the size and location of buildings or structures presently on said lot, the size and location of buildings or structures proposed to be constructed, reconstructed or altered thereon, and a statement of the intended use of such building or structure on prescribed forms.

Section 20. If such proposed building or structure as defined above conforms to the provisions of this By-Law, and all fees as prescribed herein have been paid to the Town Collector through the Building Commissioner as he is authorized to collect such fees, and the provisions of the Protective Zoning By-Law as amended from time to time have been met, the Building Commissioner shall issue an approval for a permit; otherwise approval will be withheld.

Section 21. Building inspection and occupancy permit fees shall be determined by the Board of Selectmen and amended from time to time, and the collection of such fees as set shall be charged to the Building Commissioner to be paid to the Town Collector.

Section 22. In the event any construction, reconstruction or alteration, as herein defined, is commenced without the necessary building permit as stated herein, the Building Commissioner shall charge the applicant twice the normal fee as set by the Board of Selectmen to compensate the Town for extra work and services required as a result of starting said construction without having first obtained a permit.

Section 23. Any applicant being so charged as provided in Section 22, shall have the right to a hearing before the Board of Selectmen and notice and opportunity to defend the assessment of such double fee.

(Adopted May 10, 1982; approved by Attorney General September 30, 1982)

BOARD OF HEALTH

Section 24. The Board of Health shall consist of three members, who are registered voters of the Town, whose members shall be elected by ballot at the next Annual Town Meeting for the election of officers on the first Monday in March, 1993. At such election there shall be elected one member for a term of one year, one member for a term of two years, and one member for a term of three years, thereafter all members shall be elected for a term of three years. The terms of office of said members shall commence immediately upon qualification and oath and expire upon election and qualification and oath of their successors in office. Chapter III, Section 10 shall be repealed upon the qualification and oath of the first three members of the Board of Health.

(Adopted May 11, 1992; approved by Attorney General September 10, 1992)

Purpose: This by-law is amended and created pursuant to Mass. G.L. Chapter 40, Section 21D to enforce the health regulations of the Town of Lakeville. This amendment will further promote the health and safety of the inhabitants of the Town of Lakeville.

Section 24 (a) & (b) Non-Criminal Civil Disposition

- (a) Whoever violates any provision of these by-laws may be penalized by a non-criminal disposition as provided in G.L. Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department, which is subject to a specific penalty. Without intending to limit the foregoing, it is the intention of this section that the following By-laws and regulations be included within the scope of this subsection, that the specific penalties, as listed herein, shall apply in such cases and that, in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this section, the municipal personnel listed for each section, if any, shall also be enforcing persons for such section. The Board of Health, Town of Lakeville Police Department, or any designated Agent of the Town of Lakeville Board of Health shall be considered an enforcing person for the purpose of this section.
- (b) A violation of the following listed By-law and regulatory provisions may be dealt with in a non-criminal manner as provided by subsection (a) of this section. Each day on which any violations exist shall be deemed to be a separate offense.

The fine allowed for each violation is \$300.

The fine schedule is: First offense, \$100, second offense, \$200, third and subsequent offenses, \$300.

REGULATIONS OF BOARD OF HEALTH

Disposal Works Construction Permit Regulation
Regulations For The Subsurface Disposal of Sanitary Sewage
Disposal Works Installers
Percolation Regulations
Well Regulations
Regulations for Cesspools, Septic Tanks, Vault Privies and Public Sewers
Residential Swimming and Wading Pool Regulations
Floor Elevation
Grading
Walk-out Basements
Foundation Certification
Variance
Basement Floor Elevation
Inspection of Rental Property
Flood Plain District
Piggery Regulations

Smoking Regulations (Town Hall)
Tobacco Regulations
Solid Waste Regulations
Hazardous Material Regulation
(Adopted June 21, 1999; approved by Attorney General August 23, 1999)

CAPITAL EXPENDITURES COMMITTEE

Section 25. a.) There shall be a Capital Expenditures Committee which shall perform the duties set forth in this section and be governed by the provisions thereof and shall advise and make recommendations to the Finance Committee on all matters relating to expenditures for capital improvements in the Town. Said committee shall consist of five voting members: the Town Administrator, two at large representatives appointed by the Town Moderator, one member appointed by the Finance Committee and one member appointed by the Board of Selectmen. All members are to be legal voters of the Town. The members of the committee shall serve without compensation and may employ clerical or other assistance subject to available appropriation. The Committee shall choose its own officers.

b.) The Moderator shall appoint two at large representatives from the community to said committee, who shall serve terms of one year to expire on July 31st annually. The Moderator shall make such appointments at a Board of Selectmen's meeting held in July. The Town Moderator shall either appoint new members or reappoint current members to said committee.

c.) One member of said committee shall be appointed annually by the Finance Committee and such member may, but need not be, a member of the Finance Committee; and one member shall be appointed annually by the Board of Selectmen and such member may, but need not be, a member of the Board of Selectmen. Members so appointed shall serve terms of one year to expire on July 31st annually.

d.) Whenever any vacancy shall occur in the office of the committee, whether by reason of death, resignation, removal from the Town, or other cause, such vacancy shall be filled by the appointing authority which appointed the member whose position shall have become vacant. A copy of such appointment shall be sent by the appointing authority to the Town Clerk and to the Secretary of the Committee. Any person so appointed to fill that vacancy shall hold office for the unexpired term of the person whom he succeeds.

e.) For the purposes of this Section, a capital improvement is defined as a physical betterment, including but not limited to the construction of new buildings or facilities and the alteration of buildings or facilities now or hereafter existing, the

purchase of land, or items of equipment, provided that any such physical betterment having a cost of less than \$10,000, and which in the judgment of the committee is not of an unusual or non-recurring nature, shall not be considered a capital improvement. It shall be the duty of the committee to ascertain annually what expenditures for capital improvements, as herein defined, will be required by the Town during the ensuing five years, and in making its determination shall confer with the Finance Committee and the Town Accountant, any Town boards, commissions, committees, officers, employees, and other agencies and departments of the Town involved in making expenditures for capital improvements in the Town, all of which shall co-operate with the committee. All such agencies and departments or other authorities of the Town authorized by law to make such expenditures shall furnish detailed estimates of the expenditures necessary for capital improvements under their jurisdiction for the ensuing five years in conjunction with their annual budget requests. The committee shall prepare annually a program of expenditures for capital improvements, including recommendations for the scheduling of such expenditures and the financing thereof and the probable impact of such improvements on the tax rate of the Town and shall furnish such report and recommendations to the Finance Committee and Board of Selectmen on or before the second Monday in April annually for use in preparing its annual budget recommendations to the Town. Copies of such report and recommendation shall be deposited with the Town Accountant and with the Town Clerk and copies shall be made available by the Town Clerk upon request. The capital program for the following five years, shall be published with the Capital Expenditures Committee report and included in the Annual Town Report. Such capital program shall be presented to the annual town meeting for acceptance in principle, subject to final action at subsequent town meeting(s).

f.) At its first meeting, the committee will elect a chairman and a secretary and adopt a budget. At subsequent meetings it will establish ground rules, schedule meetings, determine a division of responsibilities and adopt forms.

(Adopted June 14, 2004; approved by Attorney General September 16, 2004)

TOWN ADMINISTRATOR

Section 26.

Subsection 1

- A. The Board of Selectmen shall serve as the goal setting, long range planning and policy making body of the Town, recommending major courses of action to the Town Meeting, and adopting policy directives and guidelines which are to be implemented by officers, boards, committees, commissions and employees of the Town.
- B. The Board of Selectmen shall have the power to enact rules and regulations to implement policies and to issue interpretations.

- C. The Board of Selectmen shall exercise, through the Town Administrator, general supervision over all matters affecting the interests or welfare of the Town.
- D. The Board of Selectmen shall appoint the Town Administrator, Town Counsel, Registrars of voters, election officers, constables, and members of all committees, boards and commissions except those appointed by the moderator or elected by the voters pursuant to current Town by-laws and General Laws as the same may be amended from time to time.
- E. The Board of Selectmen shall have general administrative oversight of such appointed boards, committees, and commissions appointed by the Board of Selectmen.
- F. The Board of Selectmen shall have the responsibility and authority for licenses and other quasi-judicial functions as provided by the General Laws and the Town of Lakeville by-laws.
- G. The Board of Selectmen shall be responsible for the preparation of all Town Meeting warrants.
- H. The Board of Selectmen may make investigations and may authorize the Town Administrator or other agents to investigate the affairs of the Town and the conduct of any Town department, office, or agency, including any doubtful claims against the Town, and for this purpose the Board of Selectmen may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The report of any such investigation shall be placed on file in the office of the Town Clerk, and a report summarizing such investigation shall be printed in the next annual Town Report.
- I. The Board of Selectmen shall review the annual proposed budget submitted by the Town Administrator and make recommendations with respect thereto as they deem advisable. The Town Administrator shall present the budget, incorporating the recommendations of the Selectmen to the Finance Committee.
- J. The Board of Selectmen, by a majority vote of its full membership, shall appoint a Town Administrator who shall be a person with executive and administrative qualifications, and especially fitted by education, training and experience to perform the duties of the office. The office of Town Administrator shall not be subject to the Lakeville Personnel Administration Plan. The Town may from time to time, by by-law, establish such additional qualifications as seem necessary and appropriate.
- K. The Board of Selectmen may remove the Town Administrator at any time by a majority vote. Within seven days thereafter, the Town Administrator may appeal the decision of said Board by filing a written request for a public hearing. If such a request is filed, the Board of Selectmen shall conduct a public hearing within fourteen days, and shall act on the appeal within seven days thereafter.
- L. The Board of Selectmen shall set the compensation for the Town Administrator, not to exceed an amount appropriated by the Town Meeting.
- M. The Board of Selectmen shall designate a qualified person to serve as acting Town Administrator and to perform the duties of the office during any period of any vacancy exceeding thirty days, caused by the Administrator's absence,

illness, suspension, removal or resignation. The appointment shall be for a period not to exceed one hundred and eighty days.

Subsection 2

The Town Administrator shall be the chief administrative officer of the Town and shall be responsible to the Board of Selectmen for administering and coordinating all employees, activities and departments placed by General Laws, or by-laws, who are under the control of the Board of Selectmen.

The Town Administrator shall devote his full working time to duties of the office and shall not engage in any business activity during his term, except with the written consent of the Board of Selectmen.

The Town Administrator shall:

- A. attend all meetings of the Board of Selectmen, except when excused, and shall have the right to speak, but not vote;
- B. administer, either directly or through a person or persons appointed in accordance with this act, all provisions of General Laws and special acts applicable to the Town, all Town by-laws, and all regulations established by the Board of Selectmen;
- C. assemble, prepare and present to the Board of Selectmen all annual operating and capital budgets of the Town and be responsible for the development and annual revision of the capital improvements program;
- D. be responsible for seeing that the budget is administered as adopted by the Town Meeting and in accordance with the General Laws, this act and by-laws;
- E. keep the Board of Selectmen fully informed regarding all departmental operations, fiscal affairs, general problems, and administrative actions, and to this end shall submit periodic reports to the Board of Selectmen;
- F. keep the Board of Selectmen informed regarding the availability of federal and state funds and how such funds might relate to unmet long-range needs;
- G. prepare applications for all Town grants;
- H. be responsible for the day-to-day administration of the Town's personnel system;
- I. negotiate collective bargaining contracts unless the Board of Selectmen designates another negotiator;
- J. be the chief procurement officer of the Town as defined by Massachusetts General Laws, and appoint such assistant procurement officers as provided in Chapter 30B of the General Laws;
- K. make recommendations to the Board of Selectmen regarding vacancies in Town offices and boards to be filled by the Board of Selectmen pursuant to Massachusetts General Laws or Town by-laws;
- L. coordinate the activities of any board, commissions and committees concerned with long-range municipal planning, including the physical, economic and environmental development of the Town;

- M. develop, keep and annually update a full and complete inventory of all property of the Town, both real and personal;
- N. distribute, or cause to be distributed, copies of the warrant for the annual Town Meeting;
- O. have the authority to sign payroll and accounts payable warrants concerning the everyday operation of the Town;
- P. upon request and with the approval of the Board of Selectmen, prosecute, defend, or compromise all litigation to which the Town is party;
- Q. perform such other duties as may be required by this act, by-law, or vote of the Board of Selectmen; and
- R. the Board of Selectmen shall provide for an annual review of the job performance of the Town Administrator which shall, at least in summary form, be a public record.

Subsection 3

The Town may by by-law, from time-to-time, modify, delete and amend these responsibilities and duties as necessary or appropriate, consistent with this act.

Chapter IV

RECORDS AND REPORTS

Section 1. All Committees shall report as directed by the town. If no report is made within a year after its appointment a committee shall be discharged unless, in the meantime, the town shall have granted an extension of time.

Section 2. The Annual Town Report shall contain, in addition to the reports of officers, boards and committees as hereinbefore provided, a detailed report of all moneys received into and paid out of the town treasury in the financial year next preceding, showing separately payments made from the proceeds of loans as capital outlays for permanent improvements; the report of the Collector of Taxes, 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 purposes 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 matter as the said report is required by law to contain, or as may be inserted by the Selectmen under the discretion granted them by law.

Section 3. The Annual Town Report shall be published and ready for distribution 10 days at least before the annual town meeting.

All fees received by all town officers, by virtue of their office, shall be paid into the Town Treasury.

CHAPTER V

REMOVAL OF EARTH

Section 1. Definitions.

For the purposes of this by-law "earth" shall be defined as any soil, loam, sand, gravel, clay, stone, ledge, or other earth material.

For the purposes of this by-law "Board" shall be defined as the Board of Selectmen.

Section 2. Removal of earth.

The removal of earth from any parcel of land in the Town of Lakeville, not in public use, is forbidden except as hereinafter provided. Any person desiring to remove earth shall make application in writing to the Board who, after public hearing of which due notice shall be given, may issue a written permit for such removal. Such hearing shall be heard within forty-five (45) days of the receipt of the application in writing. Any permit so issued is not transferable.

Section 3. A permit shall be required for the continuous operation of any earth removal pit in operation at the time this by-law is adopted. However, public hearing will not be required either in such case, or for renewal of any permit in connection with the granting of which public hearings were held, provided that such earth removal has actively operated during the twelve (12) months' period preceding the application for such permit.

Section 4. A permit shall be required for the removal of earth from any parcel of land if such removal is incidental to, and in connection with, the erection and construction of a building on such parcel, provided, however, that no such removal shall take place until the erection and construction of such building is completed. However, public hearing will not be required in such case.

Section 5. No permit shall be required to transfer earth from one section to another of the same parcel, for the improvement of same.

Section 6. Notwithstanding the provisions of this by-law, the Board may issue a permit for the removal of soil or loam from any parcel of land in the town, where such removal of soil or loam is incidental to, or in connection with, the construction of a road or other facility involving a permanent change in the uses of the land. The Board shall

issue no such permit unless it is satisfied reasonably that the construction will be completed and the evidence thereof shall be made a part of the records of said Board.

Section 7. Applicants for a permit to remove earth under this by-law shall submit the following specific information and supporting documentation:

1. The location of the proposed excavation.
2. The legal name and address of the owner of the property involved.
3. The legal name and address of the petitioner, which address shall be used by the Board for all correspondence hereunder.
4. Names and addresses of all abutting property owners, including those across any streets.
5. The proposed method of performance security to be used.
6. A plan and representative profiles of the area, prepared by a Registered Professional Engineer, from which final grades may be established.

The Board may in its discretion require a bond, certified check, or other security for compliance with said conditions as evidence of good faith as to the completion of any proposed construction. The Board may, after a public hearing on proof of violation of any condition, revoke any permits so granted. No permit shall be issued under the provisions of this by-law for a period of more than one year, and shall be effective from April first of the year issued to March thirty-first of the following year.

Section 8. General Limitations.

A. No permit for the removal of earth shall be approved by the Board if the work extends within four hundred (400) feet of a way open to the public whether public or private, or within one hundred (100) feet of a building or structure or property line, unless the Board is satisfied that such removal will not undermine the way or structure, or prove detrimental to the neighborhood.

B. In approving the issuance of a permit, the Board shall impose reasonable conditions, especially designed to safeguard the neighborhood and the town, which shall not be less than the following:

1. The finished leveling and grading shall be indicated on the approved plans as indicated and submitted to the Board, but in no event shall any grade be below the grade of any abutting and established way open to the public or private use, except that if on the authority of a Registered Civil Engineer it is determined by the Board that such a change in grade below the existing grade is advantageous to the proposed change in topography.
2. The placing of topsoil and planting necessary to restore the area to usable condition. Cover of topsoil of not less than 4 inches in depth shall be replaced or allowed to remain.
3. The duration of the removal operation.

4. The construction of necessary fencing and other protections against nuisances.
5. Method of removal.
6. Temporary structures.
7. Hours of operation.
8. Routes of travel or transportation of material.
9. Control of temporary or permanent drainage.
10. Disposition of boulders and tree stumps.
11. Set and maintain permanent monuments at each property corner.
12. Slopes shall not be steeper than 4 to 1.
13. In the event that any portion of the earth removal would take place in land which is under the jurisdiction or supervision of the local conservation commission, then no permit shall issue until such plan has been approved by the local conservation commission, and the permit shall require that the applicant comply with any order or conditions issued by the local conservation commission or any superseding order of conditions issued by the Department of Environmental Protection, or such permit shall be revoked. In the event that there is a question as to whether the land in question, or a portion thereof, is within the jurisdiction of the conservation commission, the Board of Selectmen may require the applicant to file a request for determination with the local conservation commission in determining whether any portion of the land is within the jurisdiction of the conservation commission.

C. The Board may require a bond, or at the election of the applicant, the deposit of money or other negotiable securities to enforce performance of conditions imposed by this by-law or under this section. The total amount of the bond shall be determined by the Board and shall be based upon the extent of the operations as indicated on the plans submitted by the applicant.

Section 9. General Administration

- A. The Board or its designated representatives may enter upon the premises involved from time to time to inspect and ensure proper conduct of the work.
- B. The Board may retain a civil engineer to inspect the site and to do such engineering as is necessary to determine the conformity with plans and conditions of the permit.
- C. Prior to the anniversary date of the permit, each applicant shall specify the number of cubic yards of material to be taken out of his pit. At the end of the year he shall file a statement of how many cubic yards have been taken during that preceding year. This shall be accompanied by an elevation plan on a 50-foot grid prepared by a Registered Civil Engineer.

Annual removal shall not exceed the amount stated at the beginning of the year.

- D. The Board reserves the right to inspect the applicant's records at any time the Board requests.
- E. A permit shall be issued only after full payment of all annual fees and charges.

Section 10. Penalty for Violation.

Whoever violates the provisions of this by-law shall be subject to a fine of Fifty (\$50.00) dollars for the first offense. One hundred (\$100.00) dollars for the second offense, and Two hundred (\$200.00) dollars for each additional offense thereafter. Each day during which the provisions of this by-law are violated shall be considered a separate offense.

Section 11. Fees.

- A. The Board shall establish such fees for the issuance of permits as it shall find necessary for the administration of this by-law, taking into consideration the costs of advertising, clerical, civil engineers, consultants, legal and inspection expenses.
- B. Any fees received hereunder shall be transmitted to the Town Treasurer.
- C. The Town Treasurer shall pay all charges or bills properly authorized by the Board, charged with the administration of this by-law.
- D. The fees established under this Section shall be at the discretion of the Board, but shall be not less than 3 cents (\$0.03) per cubic yard on the amount stated under Section 9C.* (See notes below)

Section 12. General Provisions.

All applications for original or renewal permits for the removal of earth shall be referred to the Planning Board.

Section 13. The removal of loam to areas outside of the town may, at the discretion the of Board, be prohibited.
(Sections 1-13 Adopted May 8, 1978; approved by Attorney General August 16, 1978)

* Selectmen voted to increase the fee to 8 cents per cubic yard effective April 1, 1981.

** Selectmen voted to increase the removal fee to 15 cents per cubic yard and the administrative fee to \$200 per acre effective August 14, 1989.

CARE OF BURIAL GROUNDS AND LOTS

Section 1. The town will receive, hold and apply any fund, money or securities deposited with the Town Treasurer for the preservation, care, improvement or embellishment of any public or private burial place in the Town, or of burial lots situated in such burial places.

Section 2. The Town Treasurer may enter into agreements in behalf of the Town with the holders of burial rights in any lot in the cemeteries of the Town to keep forever such lot and the structures and grass thereon, in good and neat condition, so far as the same can be done by an expenditure not exceeding the income from any sum of money or not exceeding the income from any securities, which such holder may have deposited with the Town Treasurer for such purpose.

Section 3. Money and securities received under the provisions of the preceding section shall not be mingled with other money or securities of the Town, but shall be kept and invested separately as a cemetery fund and unless otherwise specially provided for in the terms of the gift, the income only shall be used. *(Adopted March 9, 1959; approved by Attorney General April 10, 1959)*

SANITARY SEWAGE DISPOSAL

Permits must be secured from the Board of Health and meet the requirements of the State Environmental Code, Title 5.

OIL AND GAS BURNING EQUIPMENT

No one shall install or materially alter oil or gas burning equipment without first making application for and obtaining a permit. No one shall store fuel oil or liquid petroleum gas without first obtaining a permit.

The installation of all oil and gas burning equipment must conform with the requirements of the Board of Standards, Dept. of Public Safety, and be approved by the Chief of the Fire Dept. and/or the Inspector.

ELECTRIC WIRING

No person shall install wires, conduits, apparatus, fixtures, or other appliances for carrying or using electricity for heat, light or power within, or connected to any building, without first having secured a permit for same.

UNREGISTERED AND UNGARAGED VEHICLES

Under no circumstance will an unregistered car, truck or other motor vehicle or parts thereof or accessory thereto be stored in any front yard.

No person shall keep more than one unregistered motor vehicle, as defined in Massachusetts General Laws Chapter 90, Section 1, in, on or about a lot owned by him or under his control, excepting vehicles kept wholly within a garage or other similar structure and vehicles stored on premises licensed under Chapter 140 of Mass. General Laws as amended or unless permitted by the Board of Selectmen pursuant to the following requirements and conditions. The Selectmen shall consider the following conditions in determining whether authorization shall be granted.

1. The District in which the premises are located.
2. The dimensions of the person's lot.
3. The location of the vehicle or vehicles on the lot.
4. The proximity of the abutters dwelling.
5. The visibility of the vehicle or vehicles from a street or way.
6. Whether the keeping of the vehicle or vehicles on the premises is in the best interests of the town.

Any person desiring authorization under this paragraph shall submit an application in writing to the Board of Selectmen. The Board or designee of the board shall inspect the premises and proposed location of the unregistered vehicle or vehicles. The Board may then issue a written permit to store an additional vehicle or vehicles. Said permit shall state the conditions under which said vehicle or vehicles may be kept on the premises. The Board may upon proof of a violation of any condition revoke any permit so granted.

Violation of any provision of this section shall be subject to a criminal penalty not to exceed three hundred dollars (\$300.00), or when enforced by non-criminal disposition pursuant to G.L. c 40, s21D, as follows:

First Offense	\$100.00
Second Offense.....	\$200.00
Third Offense and Subsequent Offenses	\$300.00

In any case, each day of violation shall constitute a separate offense.

This section shall not apply to premises licensed under Chapter 140 of the General Laws.

(Adopted November 8, 2000; approved by Attorney General January 12, 2001)

DISPOSAL OF REFUSE

Section 1. No person shall dispose of garbage, refuse, bottles, cans or rubbish on a public highway, or within twenty yards thereof; on private property without permission; on property of the Town of Lakeville except in an area designated for such disposal by the Board of Health; or in inland waters, or within twenty yards of such waters.

Section 2. Whoever violates the provisions of this regulation shall be subject to a fine of \$50.00 for each offense.

(Adopted May 16, 1977; approved by Attorney General October 28, 1977)

JUNK, OLD METALS OR SECOND HAND ARTICLES

Section 1. The open display or open storage of junk is prohibited on any premises. For purposes of this by-law, the term "junk" includes old, second-hand or previously used, discarded or scrapped articles or materials of any type, whether collected, held or stored for salvage, sale, exchange, recycling, processing, conversion or any other purpose.

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

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

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

Section 4. Violation of any provision of this section shall be subject to a criminal penalty not to exceed three hundred dollars (\$300.00), or when enforced by non-criminal disposition pursuant to G.L.c40, s21D, as follows:

First Offense	\$100.00
Second Offense	\$200.00
Third Offense and Subsequent Offenses	\$300.00

In any case, each day of violation shall constitute a separate offense.
(Adopted November 8, 2000; approved by Attorney General January 12, 2001)

**DISORDERLY CONDUCT AND OBSTRUCTION BY PEOPLE;
ALCOHOLIC BEVERAGES; AND DEFACING MARKS**

1. It shall be unlawful for a person to conduct himself in a disorderly manner.
2. A person shall be guilty of conducting himself in a disgraceful manner, if with willful intent to cause public inconvenience, annoyance or alarm, or recklessly creating a high risk therefore, he:
 - (a) engages in fighting or in violent, tumultuous or threatening behavior; or
 - (b) obstructs vehicular or pedestrian traffic.
3. Whoever violates this by-law shall be liable to a penalty of not more than Fifty (\$50.00) Dollars for each violation.
4. No person shall drink any alcoholic beverages or possess any open container thereof defined in Chapter 138, Section 1 of the General Laws while in or upon any public way or any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, or any park or playground, excluding Clear Pond Park and the Former Ted Williams Camp when and where authorized by the Park Commission, nor shall any person so drink, or possess any open container thereof, any alcoholic beverages while in or upon private land, or private building, or private structure, or private place, without the consent of the owner or person or persons in control thereof. Any person violating this by-law shall be fined not more that Fifty (\$50.00) Dollars for each offense.
(Amended January 31, 1994; approved by Attorney General March 15, 1994).
5. No person shall write any words, or make any marks upon, or cut, whittle, or deface in any manner, any wall, post, fence, or building, or in any public place whatever in this Town, nor post nor paint any advertisement upon any rail, rock, bridge, wall, fence, or building, without the express consent of the owner or occupant thereof, any of the Selectmen of the Town, in case the property or structure is the property of the

Town. Any person violating this by-law shall be fined not more than Fifty (\$50.00) Dollars for each offense.

6. Whoever violates this by-law may be arrested without a warrant by an officer authorized to serve criminal process in the place where the offense is committed and kept in custody until he can be taken before a Court having jurisdiction of the offense pursuant to Mass. General Laws Chapter 272, Section 59.

7. The provisions of this by-law are severable, and if any of its provisions shall be held to be unconstitutional or otherwise illegal by any other Court of competent jurisdiction, the decision of such Court shall not impair any of the remaining provisions. *(Adopted June 6, 1983; approved by Attorney General September 12, 1983)*

DOOR-TO-DOOR SALES

Section 1. No person shall canvass, solicit, or call from house to house in the town to sell or attempt to sell any goods or services including sales or attempted sales by sample or by the taking of orders for the future delivery of such goods or services without first having received a written permit therefor from the Board of Selectmen. Every such permit shall contain such conditions and restrictions as the Selectmen, after investigation of the applicant and application, deem necessary to protect the safety, security and convenience of the public.

Section 2. Whoever violates any provision of this by-law shall be punished by a fine of not more than One Hundred Dollars (\$100) for each offense.

(Adopted May 14, 1984; approved by Attorney General August 10, 1984)

HANDICAPPED AND DISABLED VETERAN PARKING

Section (a). Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by Section two of Chapter ninety of the Massachusetts General Laws according to the following formula:

If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five

percent of such spaces but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such spaces but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one-half percent of such spaces but not less than ten; more than one thousand but not more than two thousand, one percent of such spaces but not less than fifteen; more than two thousand but less than five thousand, three fourths of one percent of such spaces but not less than twenty; and more than five thousand, one half of one percent of such spaces but not less than thirty.

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

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

Section (d). The penalty for violation of this by-law shall be as follows: for the first offense Fifty Dollars (\$50.00); for the second offense, One Hundred Dollars (\$100.00); and for each subsequent offense, the vehicle may be removed according to the provisions of Section 120D of Chapter 266 of Massachusetts General Law. Enforcement of violations of this section shall be any officer of the Police Department.
(Adopted June 16, 2003; approved by Attorney General September 9, 2003)

LEASH LAW

No dog shall be permitted in any street or public place unless restrained by a chain or leash no longer than 6 feet, 24 hours per day. Any person who violates this section shall be subject to a fine in accordance with the Massachusetts General Laws, Chapter 140, Section 173.

(Adopted December 2, 1985; approved by Attorney General February 4, 1986.)

FIRE ALARM AND FIRE PROTECTION SYSTEMS SECURED KEY ACCESS

Any building other than a residential building of less than six (6) units which has a fire alarm system or other fire protection system shall provide a secure key box installed in a location accessible to the Fire Department in case of emergency. This key box shall contain keys to fire alarm control panels and other keys necessary to operate or service fire protection systems. The key box shall be a type approved by the Chief of the Lakeville Fire Department and shall be located and installed as approved by the Chief.

(Adopted June 28, 1993, approved by Attorney General August 20, 1993)

TOWN CLERK FEES

The Town voted to adopt the following Fee Schedule as a By-Law for those fees collected by the Town Clerk, covered by Chapter 140, Section 202 and Chapter 262, Section 34 as amended by Chapter 329, Section 73 of the Acts and Resolves of 1980:

<u>Chapter 262 - Section 34</u>	<u>FEE</u>
(1) For filing and indexing assignment for the benefit of creditors.	\$10.00
(11) For entering amendment of a record of the birth of an illegitimate child subsequently legitimized.	\$10.00
(12) For correcting errors in a record of birth.	\$10.00
(13) For furnishing certificate of birth.	\$ 5.00
(13A) For furnishing an abstract copy of a record of birth.	\$ 4.00
(14) For entering delayed record of birth.	\$10.00
(20) For filing certificate of a person conducting business under any title other than his real name.	\$20.00
(21) For filing by a person conducting business under any title other than his real name of statement of change of his residence, or of his discontinuance, retirement or withdrawal from, of a change of location of such business.	\$10.00
(22) For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such business.	\$5.00
(24) For recording the name & address, the date and number of the certificate issued to a person registered for the practice of podiatry in the commonwealth.	\$20.00
(29) For correcting errors in a record of death.	\$10.00
(30) For furnishing a certificate of death.	\$5.00
(30A) For furnishing an abstract copy of a record of death.	\$4.00
*(37) For issuing & recording licenses to keepers of intelligence officers.	\$25.00
*(38) For issuing and recording licenses to Junk Dealers.	\$25.00
*(38A) For issuing & recording license to Junk Collector.	\$25.00
*(39) For issuing & recording Pawnbrokers license.	\$25.00
*(40) For issuing & recording license to keepers of billiard saloons, pool or sippio rooms or tables, bowling alleys, etc.	\$30.00 1st \$15.00 Add'l

(* from Chapter 140, Section 202)

(42)	For entering notice of intention of marriage and issuing certificates thereof.	\$15.00
(43)	For entering certificate of marriage filed by persons married out of the commonwealth.	\$ 5.00
(44)	For issuing certificates of marriage.	\$ 5.00
(44A)	For furnishing an abstract copy of a record of marriage.	\$ 4.00
(45)	For correcting errors in a record of marriage.	\$10.00
(54)	For recording power of attorney.	\$10.00
(57)	For recording certificates of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof.	\$20.00
(58)	For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth.	\$20.00
(62)	For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Sec. 22 of Chapter 166.	\$40.00 flat rate \$10.00 add'l streets
(66)	For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than \$2.00	\$ 5.00
(67)	For copying any manuscript or record pertaining to a birth, marriage or death	\$ 5.00 per page
(69)	For receiving & filing of a complete inventory of all items to be included in a "closing out sale", etc.	\$10.00 first page \$ 2.00 add'l page
(75)	For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by Section 2, Chapter 182.	\$20.00
(78)	For recording deed of lot or plot in a public burial place or cemetery	\$10.00
(79)	Recording any other documents.	\$10.00 1st page \$ 2.00 add'l pgs.
(80)	Voter's card	\$ 5.00

(Adopted August 19, 1985; approved by Attorney General November 13, 1985)

REGULATION AND REGISTRATION OF BURGLAR ALARM SYSTEMS

A. Definitions:

For the purposes 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.

1. The term "Alarm System" means an assembly or equipment and devices or a single device such as a solid state unit which plugs directly into a 110 volt AC line or a battery powered unit, arranged to signal the presence of a hazard requiring urgent attention and to which police are expected to respond. Fire Alarm systems and alarm systems which monitor temperature, smoke, humidity or any other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery or at a premises are specifically excluded from the provisions of this by-law. The provisions of "I". Penalties: of this by-law shall not apply to any governmental agency.

2. The term "False Alarm" means:

a. 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;

b. any signal or oral communication transmitted to the Police Department requesting or requiring or resulting in a response on the part of the Police Department when in fact there has been no unauthorized intrusion, robbery, or burglary, or attempt threat. For the purposes of this definition, activation of alarm systems by acts of God, including, but not limited to, power outages, hurricanes, tornadoes, earthquakes, and similar weather or atmospheric disturbances shall not be deemed to be a false alarm.

B. Automatic Dialing Device:

1. After the effective date of this by-law an automatic dialing device shall not be connected to the emergency or regular business lines of the Police Department. A signal from an automatic dialing device received at the police station shall terminate only on the line or lines specifically designated for that purpose.

2. Within six (6) months after the effective date of this ordinance, all automatic dialing devices interconnected to any unauthorized telephone numbers at the Police Department shall be disconnected therefrom. The user of each such device shall be responsible for having the device disconnected upon notification by the Police Chief and/or his designee. Continued use after notification shall constitute a nuisance and subject to a fine hereinafter provided for.

C. Control and Curtailment of Signals Emitted by Alarm Systems:

1. Every alarm user shall submit to the Police Chief and/or his designee the names and telephone numbers of at least two other persons 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.

2. All alarm systems installed after the effective date of this ordinance which use an audible horn, bell, siren or other audible device shall be equipped with a device that will shut off such horn, bell, siren or other audible device within fifteen (15) minutes after activation of the alarm system.

3. Any alarm system emitting a continuous and uninterrupted signal for more than fifteen (15) minutes which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under paragraph "D" of this section, and which disturbs the peace, comfort or repose of a community, a neighborhood or any of the inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief and/or his designee 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 "D" of this section in an effort to abate the nuisance. The Police Chief and/or his designee shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.

D. Emergency Notification List:

1. Every business establishment within the town of Lakeville, whether alarmed or not, shall provide written notice to the police department listing the names, addresses and telephone numbers of at least two persons who may be reached day or night and who are authorized to respond to an emergency which has caused the police to be dispatched to said premises. Said notice shall be submitted the first month of each year and shall be kept correct at all times reflecting any changes in authorized personnel. Owner-residents shall be excluded from this provision.

E. Alarm System Users:

1. Any user of an alarm system which transmits false alarms shall be assessed a fine of ten (10) dollars for each false alarm. All alarms in excess of three (3) occurring within the calendar year shall be assessed at twenty-five (25) dollars for each false alarm. All fines assessed hereunder shall be paid to the Town of Lakeville for deposit in the general fund. Upon failure of the user of an alarm system to pay two (2) consecutive fines assessed hereunder within sixty

(60) days of assessment, the Police Chief shall order that the user discontinue use of the alarm system. Any such discontinuance shall be effectuated immediately upon the date of receipt of the Police Chief's order.

2. Any user of an alarm system who has, in accordance with this section, been ordered by the Police Chief to discontinue use of an alarm system may appeal the order of discontinuance to the Board of Selectmen. Notice of an appeal shall be filed with the Board of Selectmen within ten (10) days of the date of the order of discontinuance. Thereafter the Board of Selectmen shall consider the merits of the appeal, and in connection therewith shall hear evidence presented by all interested persons. After hearing such evidence, the Board of Selectmen may affirm, vacate or modify the order of discontinuance.

F. Procedural Rules and Regulations:

1. The Selectmen may, upon the recommendation of the Chief of Police, make procedural rules and regulations regarding false alarms, including increasing fines therefore, after a public hearing.

G. Testing of Equipment:

1. Section 19-26.

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 Chief. 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.

H. Discontinuance of Alarm System:

1. After the Police Department has recorded five (5) separate false alarms within the calendar year from an alarm system, the Police Chief shall notify the alarm user, in person, by telephone, or by mail of such fact and require the said user to submit, within fifteen (15) days after receipt of such notice, a report describing efforts to discover and eliminate the cause or causes of the false alarms. If the said user, on the basis of absence from the town, or on any other reasonable basis, requests an extension of time for filing the report, the Police Chief may extend the fifteen (15) day period for a reasonable period. If the said user fails to submit such a report within fifteen (15) days or within any such extended period, the Police Chief shall order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.

2. In the event that the Police Chief determines that a report submitted in accordance with paragraph "H" of this section is unsatisfactory, or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the Police Chief shall order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the Police Chief's order.

I. Penalties:

1. Section 19-29.

The following acts and omissions shall constitute violations of this ordinance punishable by fines of up to fifty (50) dollars:

- a. failure to obey an order of the Police Chief to discontinue use of an alarm system, after exhaustion of the right of appeal;
- b. failure to disconnect an automatic dialing device from any unauthorized telephone numbers at the Police Department within six (6) months after the effective date of this ordinance;
- c. interconnection of an automatic dialing device to any unauthorized telephone numbers at the Police Department after the effective date of this ordinance;
- d. failure to pay two (2) or more consecutive fines assessed under this ordinance within thirty (30) days from the date of assessment;
- e. failure to comply with the requirements of section "C" (Control and Curtailment of Signals Emitted by Alarm Systems);
- f. failure to comply with the requirements of section "D" (Emergency Notification List);
- g. each day during which the aforesaid violations continue shall constitute a separate offense.

(Adopted May 11, 1987; approved by Attorney General September 1, 1987)

STREET NUMBERING

Street numbers shall be provided for each dwelling and each business, industrial, and other buildings in the Town of Lakeville by the owners of such structures within

ninety (90) days after approval by the Attorney General, in accordance with the following:

- (a) The numbers shall be made of permanent weatherproof material and shall be clearly visible from the street or roadway upon which the dwelling or building fronts.
- (b) The numbers shall be placed on each structure or on a suitable support near the main entrance to the structure so as to be visible.
- (c) The numbers shall be those assigned to each structure in accordance with the street numbering on file in the office of the Assessors.
- (d) New buildings: The owner of any property seeking a building permit for a new building or structure shall apply for and receive a building number designation from the Board of Assessors or their designate prior to submitting application to the Building Commissioner for a permit, and no building permit shall be issued without designation of such building number.
- (e) It shall be the responsibility of each property owner in the town to obtain a number assigned to his affected structure or structures within three (3) months of the effective date of this by-law.
- (f) This by-law shall be enforced by the Board of Selectmen of the Town of Lakeville either directly or through an inspector to be appointed by them. Failure to comply with this by-law shall subject the offending property owner to a fine not to exceed Ten (\$10) Dollars.

(Adopted May 9, 1988; approved by Attorney General June 10, 1988)

LAKEVILLE DEMOLITION BY-LAW

1.0 Intent and Purpose:

This by-law is enacted for the purpose of preserving and protecting significant structures **within** the Town which are outside Historic Districts and to encourage owners of such buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such structures rather than demolish them.

(Adopted at Special Town Meeting December 8, 2009; approved by Attorney General March 30, 2009)

2.0 Definitions:

- 2.1 "Structure" – any edifice, object or building of any kind that is constructed or erected and requires more or less permanent location in or on the ground or attachment to any object with permanent location in or on the ground, not including wheels.
- 2.2 "Demolition" - any act of pulling down, destroying, removing or razing a structure or any portion thereof, or commencing the work of total or substantial destruction with the intent of completing the same.
- 2.3 "Significant structure" - any structure or portion thereof not within an Historic District but which a) is listed on, or is within an area listed on, the National Register of Historic Places, or is the subject of a pending application for listing on said National Register; or b) is included in the Cultural Resources Inventory prepared by the Commission including those structures listed for which completed surveys may be pending; or c) has been determined by vote of the Commission to be historically or architecturally significant in terms of period, style, method of structure construction, or association with a famous architect or builder provided that the owner of such a structure and the Building Commissioner have been notified, in hand or by certified mail, within ten (10) days of such vote.
- 2.4 "Commission" - the Lakeville Historical Commission.
- 2.5 "preferably-preserved significant structure" – worthy of a delay period to allow consideration of alternative to demolition.

3.0 Procedure:

- 3.1 Upon receipt of an application for a demolition permit for a significant structure the Building Commissioner shall forward a copy thereof to the Commission. No demolition permit shall be issued at that time.
- 3.2 The Commission shall fix a reasonable time for the hearing on any application and shall give public notice thereof by publishing notice of the time, place, and purpose of the hearing in a local newspaper at least fourteen days before said hearing and also, within seven days of said hearing, mail a copy of said notice to the applicant, to the owners of all property deemed by the Commission to be affected thereby as they appear on the most recent local tax list, to all Historic Districts Commissions in the Town of Lakeville and to such other persons as the Commission shall deem entitled to notice.

- 3.3 If, after such hearing, the Commission determines that the demolition of the significant structure would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the Building Commissioner within ten (10) days of such determination. Upon receipt of such notification, or after the expiration of fifteen (15) days from the date of the conduct of the hearing if he has not received notification from the Commission, the Building Commissioner may, subject to the requirements of the State Building Code and any other applicable law, by-laws, rules and regulations, issue the demolition permit.
- 3.4 If the Commission determines that the demolition of the significant structure would be detrimental to the historical or architectural heritage or resources of the Town, such structure shall be considered a preferably-preserved significant structure.
- 3.5 Upon determination by the Commission that the significant structure which is the subject of the application for a demolition permit is a preferably-preserved significant structure, the Commission shall so advise the applicant and the Building Commissioner and no demolition permit may be issued until at least six months after the date of such determination by the Commission.
- 3.6 Notwithstanding the preceding sentence, the Building Commissioner may issue a demolition for a preferably-preserved significant structure at any time after receipt of written advice from the Commission to the effect that either:
- i. the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such structure, or
 - ii. the Commission is satisfied that for at least six months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject structure, and that such efforts have been unsuccessful.

4.0 Enforcement and Remedies:

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

4.2 No building permit shall be issued with respect to any premises upon which a significant structure has been voluntarily demolished in violation of this by-law for a period of two years after the date of the completion of such demolition. As used herein "premises" includes the parcel of land upon which the demolished significant structure was located.

5.0 Severability:

If any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effort.
(Adopted June 17, 2002)

SEALER OF WEIGHTS & MEASURES FEES

Scales, Balances & Weights

1. Each scale with a weighing capacity of more than ten thousand pounds	\$100.00
2. Each scale with a weighing capacity of five thousand to ten thousand pounds	\$ 60.00
3. Each scale with a weighing capacity of one thousand to five thousand pounds	\$ 40.00
4. Each scale with a weighing capacity of one hundred to one thousand pounds	\$ 25.00
5. Scales and balances with a weighing capacity of more than ten pounds and less than one hundred pounds	\$ 20.00
6. Scales and balances with a weighing capacity of ten pounds or less	\$ 15.00
7. All weights (avoirdupois, apothecary, metric)	\$ 1.00

Liquid Measuring Devices

1. Gasoline and diesel meters	\$ 20.00
2. Vehicle Tank Meters (oil trucks)	\$ 50.00

Miscellaneous Measuring Devices

1. Fabric measures	\$ 20.00
2. Cordage measures	\$ 20.00
3. Linear measures (yard sticks, etc.)	\$ 10.00

Scanners

- | | |
|--|----------|
| 1. Automated retail checkout systems with less than 4 units | \$ 75.00 |
| 2. Automated retail checkout systems with 4 units and not more than 11 units | \$150.00 |
| 3. Automated retail checkout systems with more than 11 units | \$250.00 |

(Approved by Attorney General August 8, 2005)

LICENSES AND PERMITS OF DELINQUENT TAXPAYERS

Section 1.

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

Section 2.

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 municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

Section 3.

The licensing authority may deny, revoke or suspend any license or permit including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector, or with respect to any activity,

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

Section 4.

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

Section 5.

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

This By-law shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibitions permits, section one hundred and eighty-one of chapter one hundred and forty.

(Adopted May 8, 1995; approved by Attorney General July 19, 1995)

BAN ON THE USE OF MOTOR BOATS ON LOON POND

No person shall maintain, operate or suffer or permit the operation of any motor boat, as defined in Chapter 90B, Section 1 of Massachusetts General Laws, or other boat powered by internal combustion engine, on the waters of Loon Pond in the Town of Lakeville. This prohibition shall not apply to boats powered by electric motors. Whoever violates this by-law may be arrested without a warrant by an officer authorized to serve criminal process in the Town of Lakeville and kept in custody until he can be taken before a Court having jurisdiction of the offense pursuant to Massachusetts General Laws, Chapter 272, Section 59. Any person violating this by-law shall be fined not more than \$50.00 for each offense.

(Adopted October 4, 1999, approved by Attorney General December 23, 1999)

PAINT BALL GUN

No person shall discharge a paint ball gun into, from or across any public way, or any way to which the public has a right of access; nor shall any person discharge a paint ball gun into, upon or from any private property without the express permission of the owner(s) or person (s) in control of the private property. The violation of this subsection is punishable by a fine of One Hundred Dollars (\$100) for the first offense, Two Hundred Dollars (\$200) for the second offense, and Three Hundred Dollars (\$300) for the third and subsequent offenses.

Definitions for the purpose of this By-Law:

“Paint Ball Gun” – an instrument or implement capable of propelling and projecting a projectile by means of air pressure or other means propulsion which projectile leaves a distinguishing mark, stain or color upon impact which may be indelible or may be temporary in nature.

(Adopted June 11, 2001; approved by Attorney General September 18, 2001)

DISPOSAL OF SURPLUS PROPERTY

- A. All department heads must provide written notice to the appropriate procurement officer of any property identified as surplus.

- B. Where it is determined that no other department has an interest in the identified property, the property may be disposed of as stated in subsection C below.
- C. Procedures for disposal of surplus property shall be in compliance with General Laws Chapter 30B Section 15 as it may exist from time to time.

(Adopted June 11, 2001; approved by Attorney General September 18, 2001)

CURB CUT BY-LAW

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

The Board of Selectmen may adopt and from time to time amend reasonable regulations governing alignment, width, profile, and construction of the portions of driveways constructed within any town rights of way, so as to ensure drainage adequacy and safety of access and egress, and requiring that written permits be issued by the Board of Selectmen for all future driveways, entrances or relocation of existing entrances.

Whoever violates this by-law shall be subject to a fine of Three Hundred Dollars (\$300.0) for each violation. Enforcement of violations of this section shall be the Board of Selectmen.

(Adopted June 16, 2003; approved by Attorney General September 9, 2003)

CLASS II MOTOR VEHICLE DEALER'S LICENSE

The number of Class II Motor Vehicle Dealer's Licenses (used car dealers) as defined in Massachusetts General Laws Chapter 140 Section 58 and amendments thereto shall not exceed a maximum of fifteen (15).

The Board of Selectmen may adopt and from time to time amend reasonable regulations governing the procedures for new and transfer Class II licenses.

(Adopted June 16, 2003; approved by Attorney General September 9, 2003)

AFFORDABLE HOUSING TRUST FUND

The purpose shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households, and in implementation thereof will vote to authorize the Board of Selectmen to execute a

Declaration of Trust and Certificate of Trust for the Lakeville Affordable Housing Trust Fund and to amend the General By-Laws of the Town by adding the following:

- (a) There shall be the Board of Trustees of the Lakeville Affordable Housing Trust Fund established by the vote under Article 17 of the Warrant of the 2005 Annual Town Meeting, in this section called the Board, which shall include five (5) Trustees. The Trustees shall be appointed by the Board of Selectmen. The Board shall consist of one member of the Board of Selectmen, one member of the Board of Appeals, one member of the Planning Board and two members at-large. Trustees shall serve for a term not to exceed one year.
- (b) The powers of the board, all of which shall be carried on in furtherance of the purposes set forth in General Laws Chapter 44 Section 55C, shall include the following:
 - (1) to accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation grants of funds or other property tendered to the trust in connection with any zoning ordinance or by-law or any other ordinance or by-law;
 - (2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
 - (3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
 - (4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the trust;
 - (5) to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
 - (6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;

- (7) to apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
 - (8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
 - (9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
 - (10) to carry property for accounting purposes other than acquisition date values;
 - (11) to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral;
 - (12) to make distributions or divisions of principal in kind;
 - (13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate.
 - (14) to manage or improve real property; and to abandon any property which the Board determines not to be worth retaining;
 - (15) to hold all or part of the trust property uninvested for such purposes and for such time as the Board may deem appropriate; and
 - (16) to extend the time for payment of any obligation to the trust.
- (c) Notwithstanding any general or special law to the contrary, all monies paid to the trust in accordance with any zoning ordinance or by-law, exaction fee, or private contributions shall be paid directly into the trust and need not be appropriated or accepted and approved into the trust. General revenues appropriated into the trust become trust property and to be expended these funds need not be further appropriated. All monies remaining in the trust at the end of any fiscal year,

whether or not expended by the Board within one (1) year of the date they were appropriated into the trust, remain trust property.
(Adopted June 13, 2005; approved by Attorney General September 30, 2005)

COMMUNITY PRESERVATION COMMITTEE

Section 1-Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three (3) years.

One member of the Historical Commission as designated by the Commission for a term of three (3) years.

One member of the Planning Board as designated by the Board for a term of three (3) years.

One member of the Park Commission as designated by the Commission for an initial term of one (1) year and thereafter for a term of three (3) years.

One member of the Housing Authority as designated by the Authority for an initial term of two (2) years and thereafter for a term of three (3) years.

One member of the Open Space Committee as designated by the Committee for an initial term of one (1) year and thereafter for a term of three (3) years.

Three members to be appointed by the Board of Selectmen, one member to be appointed for a term of one (1) year and thereafter for a term of three years and two members to be appointed for a term of two (2) years and thereafter for a term of three (3) years.

Each member of the Committee shall serve for the term specified above, or until the person no longer serves on the board, committee, commission or authority as set forth above, whichever is earlier.

Should any of the Commissions, Boards, Authorities, or Committees who have appointment authority under this Chapter be no longer in existence for whatever reason,

the appointment authority for that Commission, Board, Authority or Committee shall become the responsibility of the Board of Selectmen.

Any member of the Committee may be removed for cause by their respective appointing authority after a hearing.

Section-2 Duties

(1). The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Park Commission and the Housing Authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the Town.

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

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

(4). In every fiscal year, the Community Preservation Committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for open space (not including land for recreational use); not less than 10% of the annual revenues in the Community Preservation Fund for historic resources; and not less than 10% of the annual revenues in the Community Preservation Fund for community housing.

Section-3 Requirement for a quorum and cost estimates

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

Section-4 Amendments

This Chapter may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with MGL Chapter 44B.

Section-5 Severability

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

Section-6 Effective Date

Provided that the Community Preservation Act is accepted by the voters at the 2006 Annual Town Election, this by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of MGL Chapter 40 Section 32 have been met.

(Adopted June 13, 2005; approved by Attorney General September 30, 2005)

NON-STORMWATER DISCHARGES TO THE MUNICIPAL STORM DRAINAGE SYSTEM OF THE TOWN OF LAKEVILLE

SECTION 1. OBJECTIVE/ INTENT.

The objective of this by-law is to prevent non-stormwater discharges to the Town of Lakeville's municipal storm drain system through the regulation of non-stormwater discharges to the storm drain system to the maximum extent practicable as required by federal and state law. Non-stormwater discharges are a major concern because they can impair the water quality of fresh water bodies, including streams, rivers and wetlands; contaminate drinking water supplies; alter or destroy aquatic habitat; and increase flooding.

This by-law seeks to prevent the introduction of pollutants into the municipal storm drain system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process by:

- (1) Regulating the contribution of pollutants to the municipal storm drainage system from stormwater discharges by any user;
- (2) Prohibiting illicit connections and discharges to the municipal storm drainage system;
- (3) Establishing legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this by-law.
- (4) Prohibiting discharges into the municipal storm drainage system that may or can create a condition that is harmful to public safety and welfare.

SECTION 2. DEFINITIONS.

For the purposes of this by-law the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY. The Building Commissioner and the employees and designees of the Town's Building Department are the Authorized Enforcement Agency designated to enforce this by-law.

BEST MANAGEMENT PRACTICES (BMPS). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CLEAN WATER ACT. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of five (5) acres or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

HAZARDOUS MATERIALS. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLCIT CONNECTIONS. Any surface or subsurface drain or conveyance which allows an illegal discharge to enter the municipal storm drain system including, but not limited to, any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains, sinks or toilets, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency

ILLEGAL DISCHARGE. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this by-law.

INDUSTRIAL ACTIVITY. Activities subject to NPDES Industrial Permits as defined in 40 CFR 122.26 (b)(14).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE Permit. A permit issued by EPA (or by the Commonwealth of Massachusetts under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NON-STORM WATER DISCHARGE. Any discharge to the municipal storm drain system that is not composed entirely of storm water.

PERSON. Any individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee or agent of such person.

POLLUTANT. Any element or property of sewage, agricultural, industrial, or commercial waste, runoff, leachate, heated effluent or other matter whether originating at a point or non-point source that is or may be introduced into any storm drain system, waters of the Commonwealth and/or waters of the United States. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, by-laws, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; rock, sand, salt and soils; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

STORM DRAINAGE SYSTEM. A system used to collect and/or convey stormwater including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures owned or operated by the Town of Lakeville.

STORM WATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

WATERCOURSE. A natural or man-made channel through which water flows or a stream of water, including a brook or underground stream.

WATERS OF THE COMMONWEALTH. All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters and groundwater.

WASTEWATER. Any sanitary waste, sludge, septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing comes in direct contact with or results from the production or use of any raw material, intermediate product, by-product or waste product

SECTION 3. APPLICABILITY.

This by-law shall apply to all water entering the Storm Drainage System owned or operated by the Town of Lakeville unless explicitly exempted by the Building Commissioner.

SECTION 4. AUTHORITY

This by-law is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and G.L. c.83, §1 and §10, as amended by St. 2004, c.149, §§135-140, and the Federal Clean Water Act, 40 CFR 122.34.

SECTION 5. RESPONSIBILITY FOR ADMINISTRATION.

The Building Commissioner as the Authorized Enforcement Agency shall administer, implement, and enforce the provisions of this by-law. Any powers granted or duties imposed upon the Building Commissioner may be delegated in writing by the Building Commissioner to persons or entities acting in the beneficial interest of or in the employ of the Town under the Building Commissioner.

SECTION 6. SEVERABILITY.

The provisions of this by-law are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this by-law or the application thereof to any person,

establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this by-law.

SECTION 7. PROHIBITED ACTIVITIES

A) Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal Storm Drainage System or watercourses any materials including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any Illegal Discharge to the Storm Drainage system is prohibited except as provided as follows and further provided that the exempt source is not a significant contributor of a Pollutant to the Storm Drainage System; notwithstanding the last previous phrase, all fire fighting activities are exempt:

1. The following discharges are exempt from discharge prohibitions established by this by-law: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated), fire fighting activities, and any other water source not containing Pollutants.
2. Discharges specified in writing by the Building Commissioner, as the Authorized Enforcement Agency, as being necessary to protect public health, safety, welfare or the environment.
3. Dye testing is an allowable discharge, but requires a written notification to the Building Commissioner prior to the time of the test.
4. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the Storm Drainage System.

B) Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of Illicit Connections to the Storm Drainage System is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

A person is considered to be in violation of this by-law if the person connects a line conveying sewage to the Storm Drainage System, or allows such a connection to continue.

C) Time for Compliance

Residential property owners shall have 90 days from the effective date of this by-law to comply with its provisions, provided good cause is shown for the failure to comply with the by-law during that period.

SECTION 8. SUSPENSION OF MUNICIPAL STORM DRAINAGE SYSTEM ACCESS.

Suspension due to Illegal Discharges in Emergency Situations

The Building Commissioner, as the Authorized Enforcement Agency, may, without prior notice, suspend municipal Storm Drainage System discharge access to any person or property when such suspension is necessary to stop an actual or threatened discharge which presents or may present an imminent risk of harm to public health, safety or welfare; to the environment; to the municipal Storm Drainage System or Waters of the Commonwealth or the United States. If the violator fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take such steps as deemed necessary to prevent or minimize damage to the municipal Storm Drainage System or Waters of the Commonwealth or the United States, and/or to minimize risk of harm to public health, safety or welfare or to the environment.

Suspension due to the Detection of Illegal Discharge

Any person discharging to the Town's Storm Drainage System in violation of this by-law may have their access terminated if such termination would abate or reduce an Illegal discharge. The Building Commissioner, as the Authorized Enforcement Agency, shall notify a violator of the proposed termination of its Storm Drainage System access. The

violator may petition the Building Commissioner for reconsideration and a hearing regarding such notice of termination.

A person commits an offense if the person reinstates municipal Storm Drainage System access to premises terminated pursuant to this Section, without the prior approval of the Building Commissioner.

SECTION 9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Building Commissioner prior to the allowing of discharges to the municipal Storm Drainage System.

SECTION 10. MONITORING OF DISCHARGES

A. Applicability.

This Section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

1. The Building Commissioner, as the Authorized Enforcement Agency, shall be permitted to enter and inspect facilities subject to regulation under this by-law as often as may be necessary to determine compliance with this by-law. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the Building Commissioner or his/her authorized representatives.
2. Facility operators shall allow the Building Commissioner ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
3. The Building Commissioner shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Building Commissioner to conduct monitoring and/or sampling of the facility's storm water discharge.
4. The Building Commissioner has the right to require the discharger to install monitoring equipment as determined by the Building Commissioner. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Building Commissioner and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the Building Commissioner access to a permitted facility is a violation of a storm water discharge permit and of this by-law. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Building Commissioner reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this by-law.
7. If the Building Commissioner has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this by-law, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this by-law or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Building Commissioner may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The Building Commissioner, as the Authorized Enforcement Agency, shall adopt requirements identifying Best Management Practices (BMPs) for any activity, operation or facility which may cause or contribute to pollution or contamination of Storm Water, the Storm Drainage System, or Waters of the Commonwealth or the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal Storm Drainage System or Watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for Premises, which is, or may be, the source of an Illicit Discharge, may be required to implement, at said Person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal Storm Drainage System. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of Storm Water associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 12. WATERCOURSE PROTECTION

Every person owning Premises through which a Watercourse passes, or such person's lessee, shall keep and maintain that part of the Watercourse within the Premises free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the Watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a Watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the Watercourse.

SECTION 13. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into Storm Water, the Storm Drainage System, or Waters of the Commonwealth and United States, said person shall take all necessary steps to ensure containment and cleanup of such release. In the event of such a release of oil or hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Building Commissioner, as the Authorized Enforcement Agency, in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Building Commissioner within three business (3) days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

SECTION 14. ENFORCEMENT

The Building Commissioner, as the Authorized Enforcement Agency shall enforce this by-law, regulations, order, violation notices, and may pursue all criminal and civil remedies for such violations.

A. Civil Relief

If a person violates the provisions of the by-law, regulations, permit, notice or order issued hereunder, the Building Commissioner may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. Civil penalties may be imposed to the maximum permitted by law, including up to \$5,000 a day under Mass. G.L. c. 83, §10.

B. Orders

The Building Commissioner may issue a written order to enforce provisions of this by-law or regulations thereunder, which may include (a) elimination of Illicit Connections or Illegal Discharges to the Storm Drainage System; (b) performance of monitoring, analyses and reporting; (c) an order to cease and desist Illicit Connections and/or Illegal Discharges, practices or operations; and (d) remediation of contamination in connection therewith. If the Building Commissioner determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that should the violator or property owner fail to abate or perform remediation within the specified deadline, the work may be done by a governmental agency or contractor, in which event such work and expenses thereof shall be charged to the violator.

C. Criminal Penalty

Any person who violates any provision of this by-law, regulation, order or permit issued hereunder shall be punished by a fine of not more than \$300.00 per day. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-Criminal Disposition

(a) Whoever violates any provision of this by-law may be penalized by a non-criminal disposition as provided in Mass. G.L. Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer, board or department, which is subject to a specific penalty. Without intending to limit the foregoing, it is the intention of this section that the following by-laws and regulations be included within the scope of this subsection, that the specific penalties, as listed herein, shall apply in such cases and that, in addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this section, the municipal personnel listed for each section, if any, shall also be enforcing persons for such section. The Building Commissioner, Town of Lakeville Police Department, or any designated Agent of the Building Commissioner shall be considered an enforcing person for the purpose of this section.

(b) A violation of the by-law and regulatory provisions may be dealt with in a non-criminal manner as provided by section (a) above. Each day on which any violations exist shall be deemed to be a separate offense.

The fine schedule is: First offense, \$100, second offense, \$200, third and subsequent offenses, \$300.

E. Appeals

The decision or order of the Building Commissioner, as the Authorized Enforcement Agency, may be appealed to the Planning Board within 20 days of the date of the decision or order. The Planning Board shall consider the request at a meeting after written notice is given to abutters, paid for by the Person, at least seven (7) days prior to the said meeting.

F. Remedies Not Exclusive

The remedies listed in this by-law are not exclusive of any other remedies available under applicable federal, state or local law.

(Adopted at Annual Town Meeting 5/8/06; approved by Attorney General 6/14/06)

OUTDOOR LIGHTING

1.0 Statement of Need and Purpose

Good outdoor lighting at night benefits everyone. It increases safety, enhances the Town's night time character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. There is a need for a lighting By-Law that recognizes the benefits of outdoor lighting and provides clear guidelines for its installation so as to help maintain and compliment the Town's character. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of Lakeville.

This By-Law is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy cost of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the Town of Lakeville.

All business, residential, and community driveway, sidewalk and property luminaries should be installed with the idea of being a “good neighbor”, with attempts to keep unnecessary direct light from shining out abutting properties or streets.

2.0 Definitions

For the purposes of this By-Law, terms used shall be defined as follows:

- 2.1 **Direct Light:** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminary.
- 2.2 **Fixture:** The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.
- 2.3 **Flood or Spot light:** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- 2.4 **Fully-shielded lights:** outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.
- 2.5 **Glare:** Light emitting from a luminary with an intensity, great enough to reduce a viewer’s ability to see, and in extreme cases causing momentary blindness.
- 2.6 **Height of Luminary:** The height of a luminary shall be the vertical distance from the ground directly below the centerline of the luminary to the lowest direct-light-emitting part of the luminary.
- 2.7 **Indirect Light:** Direct light that has been reflected or has scattered off of other surfaces.
- 2.8 **Lamp:** The component of a luminary that produces the actual light.
- 2.9 **Light Trespass:** The shining of light by a luminary beyond the boundaries of the property on which it is located.
- 2.10 **Lumen:** A unit of luminous flux. One foot candle is one lumen per square foot.

- 2.11 **Luminary:** For the purposes of the By-Law, the lumen-output values shall be the INITIAL lumen output ratings of a lamp. This is a complete lighting system, and includes a lamp or lamps and a fixture.
- 2.12 **Outdoor Lighting:** The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
- 2.13 **Temporary outdoor lighting:** The specific illumination of an outside area of object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.

3.0 Regulations

All public and private outdoor lighting installed in the Town of Lakeville shall be in conformance with the requirements established by this By-Law.

3.1 Control of Glare – Luminaire Design Factors

- 3.1.1 A. Any luminaries with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaries.
- 3.1.2 Any luminaries with a lamp or lamps rate at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (DX3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.

3.2 Outdoor Advertising Signs

- 3.2.1 Top Mounted Fixtures Required. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of Section 2.2. Bottom-mounted outdoor advertising-sign lighting shall not be used.
- 3.2.2 Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to

minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.

3.2.3 Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this Code within two (2) years from the date of adoption of this By-Law.

3.2.4 Prohibitions. Electrical illumination of outdoor advertising off-site signs between the hours of 11:00 PM and sunrise is prohibited.

3.3 Recreational Facilities

3.3.1 Any light source permitted by this Code may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

- A.) All fixtures used for event lighting shall be fully shielded as defined in Section 2.2 of this Code, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
- B.) All events shall be scheduled so as to complete all activity before or as near to 10:30 PM as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 PM.

3.4 Prohibitions

3.4.1 A. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.

3.4.2 Searchlights. The operation of searchlights for advertising purposes is prohibited.

3.4.3 Outdoor Advertising Off-Site Signs. Electrical illumination of outdoor advertising off-site signs is prohibited between the hours of 11:00 PM and sunrise.

3.5 Temporary Outdoor Lighting

3.5.1 Any temporary outdoor lighting that conforms to the requirements of this **By-Law** shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Board of Selectmen after considering: (Adopted at Annual Town Meeting May12, 2008; approved by Attorney General June 12, 2008)

- A.) The public and/or private benefits that will result from the temporary lighting;
- B.) Any annoyance or safety problems that may result from the use of the temporary lighting; and
- C.) The duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Board of Selectmen, who shall consider the request at a duly called meeting of the Board of Selectmen. Prior notice of the meeting of the Board of Selectmen shall be given to the applicant and to the Lakeville Building Commissioner. The Board of Selectmen shall render its decision on the temporary lighting request within two (2) weeks of the date of the meeting.

4.0 Effective Date of Nonconforming Luminaires

4.1 Luminaries that direct light toward streets or parking lots that cause glare to motorists or cyclists should be either shielded or re-directed **so as not to cause glare or otherwise create a potential hazard to motorists or cyclists on streets or parking lots** within 120 days of notification **to the owner of occupant by the Code Enforcement Officer**. (Adopted at Annual Town Meeting May 12, 2008; approved by Attorney General June 12, 2008)

5.0 New Construction and Site Plan Review

5.1 **Submission Contents.** The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this By-Law. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be in addition to the information required elsewhere in the By-Laws or rules and regulations of the Planning Board of this jurisdiction upon application for the required permit:

Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required); photometric data such as that furnished by manufacturers, or similar showing the angle of cut off light emissions.

5.2 **Additional Submission.** The above required plans, descriptions and data shall be sufficiently complete to enable the Planning Board to readily determine whether compliance with the requirements of this Code will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

5.3 **Lamp or Fixture Substitution.** Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the building official (or his designee), together with adequate information to assure compliance with this code, which must be received prior to substitution. *(Adopted at Special Town Meeting December 8, 2008; approved by Attorney General March 30, 2009)*

6.0 Violations, Legal Actions, and Penalties

6.1 **Violation.** It shall be a civil infraction for any person or Corporation to violate any of the provisions of this Code. Each and every day during which the violation continues shall constitute a separate offense.

6.2 **Violations and Legal Actions.** If after investigation, the Code Enforcement Officer finds that any provision of the **By-Law** is being violated, he shall give notice by hand delivery or by certified mail, (return-receipt requested), of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within 120 days of notification. If the violation is not abated within the period, the Code Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this By-Law and to

collect the penalties for such violations. (Adopted at Annual Town Meeting May 12, 2008; approved by Attorney General June 12, 2008)

- 6.3.1 **Penalties:** A violation of this By-Law or any provision thereof; shall be punishable by a civil penalty as defined in Section **24** A-B of the General By-Laws of the Town of Lakeville, of not less than fifty dollars nor more than three hundred dollars for any individual, corporation, association, or other legal entity, for each violation. The imposition of a fine under this Code shall not be suspended. Each day of violation after the expiration of the 120 day period provided in paragraph B shall constitute a separate offense for the purpose of calculating the civil penalty. (Adopted at Annual Town Meeting June 11, 2007; approved by Attorney General September 12, 2007)

EXCAVATION AND TRENCH SAFETY

In conformity with the provisions of 520 CMR 14.00, the Town of Lakeville hereby establishes the following procedures:

1. The Superintendent of Streets shall be charged with the responsibility of issuing trench permits for all work involving excavation in a public way by any Town agency, Town contractor, private utility, or other legitimate entity. Such excavation permit shall be additional to the required street opening permit issued by the Board of Selectmen.
2. The Board of Health shall be charged with the responsibility of issuing trench permits for all qualifying septic system installations.
3. The Building Commissioner shall be charged with the responsibility of issuing trench permits for all qualifying excavations conducted by any party in a private way or private common drive, as well as qualifying, non-septic excavations of any description on private or public property.
4. The Board of Selectmen shall have the authority to establish fees for the issuance of such permits. (*Adopted at Special Town Meeting December 8, 2008; approved by Attorney General March 30, 2009*)

MANUFACTURED HOUSING COMMUNITIES RENT CONTROL BY-LAW

Section 1. In accordance with the authority of Chapter 269 of the Acts of 2006, the Town hereby adopts this Manufactured Housing Communities Rent Control By-law. In so doing, the Town finds and declares that a serious public emergency exists with respect to the housing of a substantial number of citizens in the Town, which emergency has been created by excessive, abnormally high and unwarranted rental increases imposed by some owners of manufactured housing communities located therein, that unless manufactured housing community rents and eviction of tenants are regulated and controlled, such emergency will produce serious threats to the public health, safety and general welfare of the citizens of said town, particularly the elderly.

Section 2.

A. The Town hereby regulates for the use or occupancy of manufactured housing accommodations in the Town, and establishes a Rent Control Board for the purpose of regulating rents, minimum standards for use or occupancy of manufactured housing communities and eviction of tenants therefrom, and requiring registration by owners of manufactured housing communities.

B. The Rent Control Board shall consist of three (3) members, all of whom shall be registered voters in the Town, and shall be appointed by the Board of Selectmen. At the time of the initial appointments, one member shall be appointed for a term of one (1) year, one (1) member for a term of two (2) years and one (1) member for a term of three (3) years. Thereafter, all members shall be appointed for terms of three (3) years.

C. These rents, standards and evictions may be regulated by the Rent Control Board so as to remove hardships or correct inequities for both the owner and tenants of such manufactured housing communities.

D. The Rent Control Board shall have all the powers necessary or convenient to perform its functions, may make rules and regulations, require registration by owners of manufactured housing communities, under penalty of perjury, require the provision of information relating to the manufactured housing communities, sue and be sued, compel the attendance of persons and the production of papers and information and issue appropriate orders which shall be binding on both the owner and tenants of such manufactured housing communities.

E. Violations of this By-Law or any order of the Rent Control Board shall be punishable by a fine of not more than \$1,000.00.

Section 3. In regulating rents for such manufactured housing communities, the Rent Control Board established under Section 2 may make such individual or general adjustments, either upward or downward, as may be necessary to assure that rents for

manufactured housing communities in the Town are established at levels which yield to owners a fair net operating income which will yield a return, after all reasonable operating expenses, on the fair market value of the property equal to the debt service rate generally available from institutional first mortgage lenders or such other rates of return as the Rent Control Board, on the basis of evidence presented before it deems more appropriate to the circumstances of the case. The fair market value of the property shall be the assessed valuation of the property or such other valuation as the Rent Control Board, on the basis of evidence presented before it, deems more appropriate to the circumstances of the case.

Section 4. The provisions of Chapter 30A of the General Laws, insofar as applicable, shall be applicable to the Rent Control Board as if the Rent Control Board were an agency of the Commonwealth, including those provisions giving agencies the power to issue, vacate, modify and enforce subpoenas, and those provisions relating to judicial review of an agency order.

Section 5.

A. The Plymouth Division of the District Court Department shall have original jurisdiction, concurrently with the Superior Court, of all petitions for review of decisions and orders of the Rent Control Board brought pursuant to Section 14 of Chapter 30A of the General Laws.

B. The Superior Court shall have jurisdiction to enforce the provisions of this By-Law and any regulations or orders made thereunder and may restrain violations thereof.

Section 6. The Rent Control Board may regulate evictions and issue orders providing that a certificate of eviction shall be required as a condition prior to the commencement of an action in summary process to recover possession from a tenant in a manufactured housing community. A certificate of eviction may be issued by the Rent Control Board upon a finding that (a) the tenant has failed to pay the rent to which the owner is entitled; or (2) the tenant is in substantial violation of a valid and enforceable rule of the manufactured housing community; or (3) the tenant is in violation of a law which protects the health and safety of other residents of the manufactured housing community; or (4) the owner in good faith and in compliance with all other applicable laws and regulations discontinues the manufactured housing community; or, (5) other just cause that the Rent Control Board may establish by regulation. Such certificates of eviction or orders shall be reviewable as provided in this By-Law, Section 5.

Section 7. The personnel of the Rent Control Board established shall not be subject to Section 9A of Chapter 30 of the General Laws or Chapter 31 of the General Laws.

In the event any portion of this Manufactured Housing Communities Rent Control By-law is declared invalid, such invalidity shall not affect the validity of any other provision. *(Adopted at Special Town Meeting December 8, 2008; approved by Attorney General March 30, 2009)*

PUBLIC CONSUMPTION OF MARIHUANA OR TETRAHYDROCANNABINOL

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

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, Section 21, or by non-criminal disposition pursuant to G.L. c. 40, Section 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, Section 32L. *(Adopted at Annual Town Meeting June 15, 2009; approved by Attorney General August 18, 2009)*