

CODE OF THE TOWN OF PEPPERELL
COUNTY OF MIDDLESEX COMMONWEALTH OF MASSACHUSETTS

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DIVISION 1

TOWN MEETING ENACTMENTS

PART I

ADMINISTRATIVE LEGISLATION

SPECIAL NOTE

At the annual Town Meeting held April 11, 1987, the renumbering of the bylaws as they appear in this volume was ratified by unanimous vote as follows.

“Article 8: To determine if the town will vote to accept the renumbering of the various bylaws approved by Town Meeting from their original numbering to the numbering or codification, arrangement, sequence and captions as set forth in the Code of the Town of Pepperell, dated 1986, and published by General Code Publishers Corp. of Rochester, New York; said codification having been done under the direction of the Board of Selectman, Town Counsel, and Town Clerk and said Code being a compilation of the present bylaws of the town and having no substantive changes or deletions in the text thereof, or take any other action in relation thereto.”

GENERAL PROVISIONS

ARTICLE I: **Noncriminal Prosecutions** [deleted 10/28/2002 STM, Art 28]

ARTICLE II: **Repeal or Amendment of Bylaws; Penalties**

§ 1-3. **Procedure for repeal or amendment.**

§ 1-4. **General penalties.**

[HISTORY: Art. I, adopted as Art. III, Sec. 4, of the 1980 compilation, deleted 10/28/2002 STM, Art 28; Art. II, adopted as Art. IX of the 1980 compilation. Amendments noted where applicable.]

ARTICLE II: **Repeal or Amendment of Bylaws; Penalties**
[Adopted as Art. IX of the 1980 compilation]

§ 1-3 Procedure for repeal or amendment.

(Editor's Note: This section formerly appeared as § 1-2, but was renumbered pursuant to 5-4-1992 ATM, Art. 35.)

Provisions of this Code may be repealed or amended at any Annual Town Meeting or at any other Town Meeting especially called for that purpose, having been inserted in the warrant for such meeting.

§ 1-4 General penalties.

Editor's Note: This section formerly appeared as § 1-3, but was renumbered pursuant to 5-4-1992 ATM, Art. 35.

Every violation of any of the provisions of this Code, unless otherwise provided by law or this Code, shall be punished by a fine of not less than \$5 nor more than \$10 for each violation or breach thereof.

Chapter 3

ADMINISTRATION

ARTICLE I: Legal Affairs

§ 3-1. Authority of Selectmen.

§ 3.2. Records to be kept by Clerk.

ARTICLE II: Records and Reports

§ 3-3. Records to be kept by boards and officers.

§ 3-4. Distribution of annual reports.

§ 3-5. Abstracts.

[HISTORY: Art. I, adopted as Art. III, Secs. 1 and 2, of the 1980 compilation; Art. II, adopted as Art. IV, Secs. 1 through 3, of the 1980 compilation. Amendments noted where applicable.]

ARTICLE I: Legal Affairs

[Adopted as Art. III, Secs. 1 and 2, of the 1980 compilation]

§ 3-1. Authority of Selectmen.

A. The Selectmen shall have authority to prosecute, defend or compromise all claims, suits and controversies to which the town is a party and to employ counsel therefore.

(Editor's Note: See MGL CA1, § 28A, Employment of Counsel by Board of Assessors)

B. When, in the opinion of Town Counsel, the appearance of any town officer or employee is required in court or adjudicatory hearings and proceedings in order to protect the interests of the town, the Selectmen are authorized to pay such person the sum of fifty dollars (\$50.) to offset the loss of personal income, if any, as a result of such appearance. [Added 9-22-1982 STM, Art. 3]

§ 3-2. Records to be kept by Clerk.

The Town Clerk shall keep a true copy, in a book to be kept for such purposes alone, of all deeds or conveyances executed in behalf of the town by any town officers. It shall be the duty of the Town Clerk to see that every conveyance to the town of any interest in real estate is properly recorded in the Registry of Deeds.

ARTICLE II : Records and Reports

[Adopted as Art. IV, Secs. 1 through 3, of the 1980 compilation]

§ 3-3. Records to be kept by boards and officers.

All boards and officers of the town shall cause records of their doings to be kept in suitable books. These records and all others shall be stored in fire-resistant files at all times.

§ 3-4. Distribution of annual reports.

The Selectmen shall cause to be distributed, not less than five (5) days before the Annual Meeting, among the voters of the town, the annual reports of the officers of the various departments and boards of the town and reports upon such matters as directed by the town by-laws.

§ 3.5. Abstracts.

The Town Clerk shall furnish for publication in the Annual Town Report an abstract of the official records of all elections and Town Meetings held during the preceding financial year. He shall also furnish for the same purpose an abstract of the vital statistics for the preceding calendar year.

Chapter 6

BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES

(Editor's Note: Additional boards, commissions, committees and authorities may be found listed in Ch. A243, General Laws and Special Acts)

ARTICLE I: Planning Board

§ 6-1. Establishment; membership.

ARTICLE II: Industrial Development Commission

§ 6-2. Creation; membership.

§ 6-3. Powers and duties.

ARTICLE III: Housing Authority

§ 6-4. Establishment; members to be elected.

ARTICLE IV

Recreation Commission [amended 10/28/2002 STM, Art 28]

ARTICLE V: Industrial Development Financing Authority

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§ 6-7. Appointment of Directors.

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§ 6-8.1.Membership.

ARTICLE VII: Public Works Committee [deleted 10/28/2002 STM, Art 28]

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§ 6-11.Membership.

§ 6-12.Terms.

§ 6-13.Quorum.

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§ 6-23. Establishment; membership.

ARTICLE XII: Personnel Board

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ARTICLE XIII: Sewer Commission [deleted 10/28/2002 STM, Art 28]

ARTICLE XIV: Historical Commission
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§ 6-28. Establishment; membership.

ARTICLE XVII: Cemetery Commission [deleted 10/28/2002 STM, Art 28]

ARTICLE XVIII: Water Commission [deleted 10/28/2002 STM, Art 28]

ARTICLE XIX: Board of Appeals
§ 6-31. Establishment; membership.

[HISTORY: Art. I, adopted 2-18-1957 Special Town Meeting, Art. 12; Art. II, adopted 10-25-1967 Special Town Meeting, Art. 7; Art. III, adopted 5-4-1992 Annual Town Meeting, Art. 38; Art. IV, adopted 4-22-1975 Annual Town Meeting, Art. 22, amended 10-27-1994 Special Town Meeting, Art. 30; Art. V, adopted 4-22-1975 Annual Town Meeting, Art. 23; Art. VI, adopted 4-17-1979 Annual Town Meeting, Art. 22; Art. VII, adopted 4-18-1978 Annual Town Meeting, Art. 27; Art. VIII, adopted 4-18-1978 Annual Town Meeting, Art. 28; Art. IX, adopted as Art. V of the 1980 compilation, amended 4-20-1982 Annual Town Meeting, Art. 18; Art. X, adopted as Art. XV of the 1980 compilation; Art. XI, adopted 4-22-1981 Annual Town Meeting, Art. 30; Art. XIII, adopted 4-17-1979 Annual Town Meeting, Art. 13; Art. XIV, adopted 4-19-1977 Annual Town Meeting, Art. 25; Art. XV, adopted 2-21-1955 Annual Town Meeting, Art. 8; Art. XVI, adopted 4-30-1900 Special Town Meeting, Art. 2; Art. XVII, adopted 4-30-1892 Special Town Meeting, Art. 2; Art. XVIII, adopted 3-31-1908 Special Town Meeting, Art. 2; Art. XIX, adopted 2-1958 Annual Town Meeting, Art. 22. Subsequent amendments noted where applicable.]

ARTICLE I: Planning Board
[Adopted 2-18-1957 STM, Art. 12]

§ 6-1. Establishment; membership. [Amended 5-7-1957 ATM, Art. 4]

The town voted to establish a Planning Board of five (5) members under the provisions of MGL C. 41, § 81A, with all the powers and duties thereof, and to elect members of the Planning Board at the Annual Town Meeting by official ballot.

ARTICLE II: Industrial Development Commission

[Adopted 10-25-1967 STM, Art. 7]

§ 6-2. Creation; membership.

The town shall create a special unpaid committee to be known as the "Pepperell Industrial Development Commission," to consist of five (5) members to be appointed by the Board of Selectmen.

§ 6-3. Powers and duties.

Said Industrial Development Commission shall conduct research into industrial conditions, investigate and assist in the expanding or strengthening of the local economy and make recommendations relative thereto pursuant to MGL C. 40, § 8a, as amended by the Statutes in 1961, Chapter 291.

ARTICLE III: Housing Authority

[Adopted 5-4-1992 ATM, Art. 38 (Editor's Note: This ATM Article also repealed former Art. III, Housing Authority, adopted 4-22-1975 ATM, Art. 17)]

]

§ 6-4. Establishment; members to be elected.

The town hereby establishes a Housing Authority as provided in MGL C. 121B, §§ 3 and 5, the members thereof to be elected as provided therein.

ARTICLE IV: Recreation Commission

[Adopted 4-22-1975 ATM, Art. 22; amended 10-27-1994 STM, Art. 30; amended 10/28/2002 STM, art. 28]

6-5. Establishment; members to be elected

The Town hereby establishes a Recreation Commission, which shall be charged with

- planning and implementing recreational programs for the residents of the Town of Pepperell, including (but not limited to) summer playgrounds, school year activities, and adult programs
- forecasting the playground, playing field, and recreational needs of the community, and assisting with the planning for, design of, and provision for funding of same
- scheduling of use of Town fields and recreational facilities
- scheduling and operation of the Pepperell Community Center.

The membership of the Recreation Commission shall consist of three (3) members, who shall be elected at large. At the Annual Town Election of 2003, one (1) member shall be elected to a one (1) year term, one member to a two (2) year term, and one member to a three (3) year term.

In the period between the date of adoption of this new Chapter IV and the 2003 Annual Town Election, the existing elected and appointed members of the "Parks and Recreation

Commission” shall continue to serve in their respective offices, although their duties shall reflect and be limited to the Commission’s charge, as noted above.

ARTICLE V Industrial Development Financing Authority

[Adopted 4-22-1975 ATM, Art. 23]

§ 6-6. Establishment; findings and declarations.

The town shall establish an Industrial Development Financing Authority for industrial purposes pursuant to Chapter 40D of the Massachusetts General Laws, with the following findings and declarations: It is hereby declared that an Industrial Development Financing Authority is needed in the Town of Pepperell and that unemployment or the threat thereof exists in the Town of Pepperell or security against future unemployment and lack of business opportunity is required in the town, and that unemployment or the threat thereof can be alleviated, or that security against future unemployment and lack of business opportunity can be provided by attracting new industry to the town through an industrial development project or projects financed under Chapter 40D, as amended, of the Massachusetts General Laws. It is hereby determined that there is a need for such an Authority, and in making this determination this Town Meeting has taken into consideration the town's ability to adjust to any expected increase in the demand for municipal facilities and services as a result of the expected increase in employment and business activity from such industrial development.

§ 6-7. Appointment of Directors.

The original Directors of such an Authority from the Town of Pepperell shall be appointed forthwith as provided in MGL C. 40D, § 3.

ARTICLE VI: Capital Program Committee

[Adopted 4-17-1979 ATM, Art. 22]

§ 6-8. Establishment; purpose.

There is hereby established a Capital Program Committee which shall, in general, be responsible for long-range planning of capital needs in the town.

§ 6-8.1. Membership. [Amended 4-19-1988 ATM, Art. 14; 5-4-1998 ATM, Art. 43]

The Committee shall consist of five members. The Town Administrator, a member of the Finance Committee, the Town Treasurer and two members appointed by the Selectmen shall serve on the Committee.

ARTICLE VII: Public Works Committee

[Adopted 4-18-1978 ATM, Art. 27; deleted 10/28/2002 STM, Art. 28]

ARTICLE VIII: Public Safety Committee

[Adopted 4-18-1978 ATM, Art. 28]

§ 6-10. Creation authorized. [Amended 1-14-1980 STM, Art. 7; “Highway Surveyor” replaced by “Highway Superintendent” 10/28/2002 STM, Art 28].
]

The town hereby authorizes the Selectmen to create a Public Safety Committee, represented by the Fire, Police, Ambulance, Highway Superintendent, Communications, Civil Defense and Building Inspection Departments as well as the Selectmen and Board of Health, to coordinate, facilitate and report on public safety.

ARTICLE IX: Finance Committee

[Adopted as Art.V of the 1980 compilation; amended 4-20-1982 ATM, Art. 18]

§ 6-11. Membership. [Amended 4-19-1988 ATM, Art. 15;10-1-1990 STM, Art. 1]

The Finance Committee shall consist of seven (7) voters of the town appointed by the Board of Selectmen. Members shall serve without compensation and shall hold no other office, elected or appointed, within the town excluding appointments to the Capital Program Committee and Personnel Board.

§ 6-12. Terms. [Amended 4-19-1988 ATM, Art. 15]

Members shall be appointed to two-year terms in such a way that four (4) appointments shall expire in one (1) year and three (3) appointments shall expire in the alternate years.

§ 6-13. Quorum.

A quorum shall be a simple majority of the Committee.

§ 6-14. Adviser.

The Town Accountant shall serve as an adviser to the Committee.

§ 6-14.1. Contents of reports. [Added 5-19-1986 STM, Art.4]

The report of the Finance Committee shall contain the requested budgets of the various boards, officers and committees charged with the expenditure of town funds.

§ 6-15. Making of recommendations at Town Meetings.

The Finance Committee shall consider all matters included within any warrant for a Town Meeting which have a financial impact upon the town and shall, after due consideration, report its recommendations to the Town Meeting at which said matters will be taken up and acted upon. The Committee's recommendations shall be voted on not

less than seven (7) days prior to the Town Meeting at which they will be presented, provided that, as circumstances warrant, the Committee may vote to defer its recommendation on a matter until the Town Meeting itself. The recommendations may contain a summary outlining the basis for the Committee's recommendation on any matter. The report of the Committee to the Annual Town Meeting shall contain a statement of the doings of the Committee during the past year, with such recommendations and suggestions as it may deem advisable on any matter pertaining to the financial condition or well-being of the town. It may issue recommendations on referenda and other matters on any ballot which have a financial impact upon the town, other than the choice of individuals for office.

§ 6-16. Meetings on matters of financial impact.

The Committee may, on its own motion, at any time meet with any officer, board or committee of the town for the purpose of discussing, studying and reporting upon any matter having a financial impact upon the town.

6-17. Filing of estimated expenses and income with Committee.

The various boards, officers and committees charged with the expenditure of town funds shall, not later than the first Monday of January of each year, prepare detailed estimates of the amounts deemed by them necessary for the administration of their respective offices or departments for the ensuing fiscal year, with explanatory statements justifying the need for said amounts, upon such forms as the Committee shall prescribe. They shall also prepare estimates of all probable income which may be received by them during the ensuing fiscal year in connection with the administration of their offices and departments. Such estimates and statements shall be filed with the Town Accountant, who shall at once transmit the same to the Committee.

§ 6-18. Consideration of estimates; recommendations.

The Finance Committee shall duly consider the estimates and statements filed by the town's boards, officers and committees and shall confer with said boards, officers and committees and hold such hearings as it deems advisable. For the purpose of the General Revenue Sharing Program established pursuant to the State and Local Fiscal Assistance Act of 1972, as amended, the Committee shall be deemed to be the officials having responsibility for the development of the municipal budget and, as such, shall conduct the public hearings required under the program. The Finance Committee shall thereupon recommend sums for the administration of the town offices and departments for the ensuing fiscal year in such division of items as it considers necessary and expedient.

§ 6-19. Officers.

The Committee shall annually choose a Chairman, Secretary and such other officers as it deems necessary.

ARTICLE X Council on Aging [Adopted as Art. XV of the 1980 compilation]

§ 6-20. Establishment; purpose.

There is hereby established a Council for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with programs of the Commission of Aging established under MGL C. 6, § 73, as amended, or as the same may be hereinafter amended.

§ 6-21. Membership; appointments.

The Council on Aging established hereunder shall consist of seven (7) members to be appointed by the Board of Selectmen, and all of said members shall be residents of the town. When said Council is first established, two (2) members shall be appointed for terms of three (3) years each, two (2) members shall be appointed for terms of two (2) years, and one (1) member shall be appointed for the term of one (1) year, and their successors shall be appointed for terms of three (3) years each. A vacancy occurring other than by expiration of term shall be filled in the same manner as an original appointment. Members appointed in 1974 shall serve for a period of two (2) years.

§ 6-22. Annual report; employees.

The Council shall submit an annual report to the town for inclusion in the Annual Town Report and shall send a copy thereof to the State Commission on Aging. The Council may appoint such clerks and other employees as it may require.

ARTICLE XI: Recycling Commission

[Adopted 4-22-1981 ATM, Art. 30]

§ 6-23. Establishment; membership.

The town hereby establishes a Recycling Commission consisting of five (5) members appointed to staggered three-year terms by the Board of Selectmen for the purpose of promoting, developing and administering the recycling of solid waste materials.

ARTICLE XII: Personnel Board

§ 6-24. (Reserved)

ARTICLE XIII: Sewer Commission

[Adopted 4-17-1979 ATM, Art. 13; deleted 10/28/2002 STM, Art 28]

ARTICLE XIV: Historical Commission

[Adopted 4-19-1977, ATM, Art. 25]

§ 6-26. Establishment; membership.

The town hereby establishes an Historical Commission under the provisions of MGL C. 40, § 8D, consisting of five (5) members for the preservation, protection and development of historical assets of the Town of Pepperell.

ARTICLE XV: Board of Health

[Adopted 2-21-1955 ATM, Art. 8]

§ 6-27. Establishment; membership.

The town voted to establish a Board of Health of three (3) members and to elect members of the Board of Health at the annual election of 1956. One (1) member is to be elected for one (1) year, one (1) member for two (2) years and one (1) member for three (3) years, and each successor is to be elected for three (3) years.

ARTICLE XVI: Lawrence Library Trustees

[Adopted 4-30-1900 STM, Art. 2]

§ 6-28. Establishment; membership.

The town voted to establish the Lawrence Library Trustees consisting of six (6) members under the provisions of Chapter 308 of the Acts of 1888 and to elect members of the Lawrence Library Trustees. Two (2) members are to be elected for one (1) year, two (2) members for two (2) years and two (2) members for three (3) years, and each successor is to be elected for three (3) years.

ARTICLE XVII: Cemetery Commission

[Adopted 4-30-1892 STM, Art. 2; deleted 10/28/2002 STM, Art 28]

ARTICLE XVIII: Water Commission

[Adopted 3-31-1908 STM, Art. 2; deleted 10/28/2002 STM, Art 28]

ARTICLE XIX Board of Appeals

[Adopted 2-1958 ATM, Art. 22]

§ 6-31. Establishment; membership.

There shall be a Board of Appeals of three (3) members and two (2) associate members appointed by the Board of Selectmen as provided in MGL C. 40A which shall act on all matters within its jurisdiction under this Article in the manner prescribed in said chapter.

Chapter 8

CIVIL DEFENSE

§ 8-1. Department established; function.

§ 8-2. Director of Civil Defense.

§ 8-3. Civil Defense Advisory Council.

§ 8-4. Duration of provisions.

§ 8-5. Statutory references.

[HISTORY: Adopted as Art. XI of the 1980 compilation. Amendments noted where applicable.]

§ 8-1. Department established; function.

- A. There is hereby established a Department of Civil Defense (hereinafter called the "Department").
- B. It shall be the function of the Department to have charge of civil defense as defined in Section I, Chapter 639, Acts of 1950, and to perform civil defense functions as authorized or directed by said chapter or by any and all executive orders or general regulations promulgated thereunder, and to exercise any authority delegated to it by the Governor under said Chapter 639.

§ 8-2. Director of Civil Defense.

- A. The Department shall be under the direction of the Director of Civil Defense (hereinafter called the "Director"), who shall be appointed as prescribed by law.
- B. Duties and responsibilities.
- (1) The Director shall have direct responsibility for the organization, administration and operation of the Department, subject to the direction and control of the appointing authority, and shall receive such salary as may be fixed from time to time by the appointing authority.
- (2) The Director may, within the limits of the amount appropriated therefor, appoint such experts, clerks and other assistants as the work of the Department may require and may remove them, and may make such expenditures as may be necessary to execute effectively the purposes of Chapter 639, Acts of 1950.
- (3) The Director shall also have the authority to appoint District Coordinators and may accept and may receive, on behalf of the city or town, services, equipment supplies, materials or funds, by way of gift, grant or loan, for purposes of civil defense, offered by the federal government or any agency or officer thereof or any person, firm or corporation, subject to the terms of the offer and rules and regulations, if any, of the

agency making the offer.

- (4) The Director shall cause appropriate records to be kept of all matters relating to such gifts, grants or loans.

§ 8-3. Civil Defense Advisory Council.

There is hereby established a Civil Defense Advisory Council (hereinafter called the "Council"). Said Council shall serve without pay and shall consist of the Director of Civil Defense, such other department heads and such other persons as the authority appointing said Director deems necessary. Such member of said Council as said appointing authority shall designate shall serve as Chairman of said Council. Said Council shall serve subject to the direction and control of the appointing authority and the Director on matters pertaining to civil defense.

§ 8-4. Duration of provisions.

This chapter shall remain in force during the effective period of Chapter 639, Acts of 1950, and any act in amendment or continuation thereof or substitution therefor.

§ 8-5. Statutory references.

All references to Chapter 639, Acts of 1950, as now in force, shall be applicable to any act or acts in amendment or continuation of or substitution for said Chapter 639.

Chapter 10

CLERK'S FEES

§ 10-1. Fees enumerated.

[HISTORY: Adopted 4-21-1981 Annual Town Meeting, Art. 13. Amendments noted where applicable.]

§ 10-1. Fees enumerated.

A. [Amended 4-19-1988 ATM, Art 26] The fees for the office of Town Clerk shall be:

Clause Description	Fee
(1) For filing and indexing an assignment for the benefit of creditors	\$10.00
(11) For entering an amendment of a record of the birth of a child born out of wedlock and subsequently legitimized	10.00

(12)	For correcting errors in a record of birth	10.00
(13)	For furnishing a certificate of a birth	5.00
(13A)	For furnishing an abstract copy of a record of birth	4.00
(14)	For entering a delayed record of birth	10.00
(20)	For filing a 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 a statement of change of his residence or of his discontinuance, retirement or withdrawal from or change of location of such business	10.00
(22)	For furnishing a certified copy of a certificate of a 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 and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the commonwealth	20.00
(29)	For correcting errors in a record of death	10.00
(30)	For furnishing a certificate of death	5.00
(30A)	For furnishing an abstract copy of a record of death	4.00
(42)	For entering a notice of intention of marriage and issuing certificates thereof	15.00
(43)	For entering a certificate of marriage filed by persons married out of the commonwealth	5.00
(44)	For issuing a certificate 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 a power of attorney	10.00

(57)	For recording a certificate of registration granted to a person to engage in the practice of optometry or issuing a certified copy thereof	20.00
(58)	For recording the name of the owner of a certificate of registration as a physician or osteopath in the commonwealth	20.00
(62)	For recording an 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 § 22 of Chapter 166	
	Flat rate	40.00
	Additional streets	10.00
(66)	For examining the records or papers relating to birth, marriage or deaths upon the application of any person.	The actual expense Thereof, but not less than 5.00
(67)	For copying any manuscript or record pertaining to a birth, marriage or death, per page	5.00
(69)	For receiving and filing a complete inventory of all items to be included in a closing-out sale, etc.	
	First page	10.00
	Additional page	2.00
(75)	For filing a copy of a written instrument or declaration of trust by trustees of an association or trust or any amendment thereof, as provided by § 2 of Chapter 182	20.00
(78)	For recording a deed of lot or plot in a public place or cemetery	10.00
(79)	Recording any other documents	
	First page	10.00
	Additional pages	2.00
	Voter's certificate	5.00

B. All fees not specifically established in Subsection A shall continue to be established pursuant to MGL C. 262, § 34, and other relevant sections of the General Laws.

Chapter 11

COMMUNITY CENTER

§ 11-1. Grant of custody.

[HISTORY: Adopted 8-22-1989 Special Town Meeting, Art. 5. Amendments noted where applicable.]

§ 11-1. Grant of custody.

The town grants custody of the Pepperell Community Center to the Pepperell Board of Selectmen for the purpose of holding property for recreational and community-service-centered activities and uses, including the rental of all or part of such property to others in furtherance of such purpose, and to charge a fee therefor. Such rental shall be for particular purposes. The Board of Selectmen may delegate by rule and regulation the supervision of day-to-day operations, including the supervision of such rentals to the Playground and Recreation Commission.

Chapter 12

CONSTABLES

§ 12-1. Appointment authority.

§ 12-2. Written applications.

§ 12-3. Determination of bond.

§ 12-4. When effective.

[HISTORY: Adopted 4-18-1984 Annual Town Meeting, Art. 17. Amendments noted where applicable.]

§ 12-1. Appointment authority.

Notwithstanding the provisions of MGL C. 41, § 1, the Selectmen shall appoint all Constables for the Town of Pepperell for terms not to exceed three (3) years and in such numbers as they deem necessary.

§ 12-2. Written applications.

A person desiring to be appointed as a Constable shall make a written application to the Selectmen, stating his or her reasons for desiring said appointment. Such application shall contain such information as may be reasonably required by the Selectmen relative to his or her fitness for the office and shall contain a statement as to the moral character of the individual, signed by at least five (5) reputable citizens of the town, one of whom shall be an attorney.

§ 12-3. Determination of bond.

The Selectmen shall annually determine the amount of the bond each Constable shall give to the town for the faithful performance of his or her duties.

§ 12-4. When effective.

This chapter shall take effect as of the Annual Town Meeting and election in 1987.

Chapter 16

FINANCES

ARTICLE I

Road Machinery Account

§ 16-1. Establishment.

ARTICLE II

Miscellaneous Provisions

§ 16-2. Required warrant

§ 16-3. Required approval

§ 16-4. Disposition of unexpended funds

§ 16-5. Use of Town Treasurer's office

ARTICLE III

Property Tax Bills

§ 16-6. Single payment required.

ARTICLE IV

Contract Signatories

§ 16-7. Review of contract.

[HISTORY: Art. I, adopted 2-15-1936 Special Town Meeting, Art. 23; Art. II, adopted as Art. II, Sees. 1 through 4, of the 1980 compilation; Art. III, adopted 5-7-1985 Annual Town Meeting, Art. 29; Art. IV, adopted 4-23-1991 Annual Town Meeting, Art. 23. Amendments noted where applicable.]

ARTICLE I

Road Machinery Account

[Adopted 2-15-1936 STM, Art. 23]

§ 16-1. Establishment.

The town hereby establishes a road machinery account to which shall be credited all receipts received for the use of or rental of road machinery, the proceeds to be appropriated as voted by the town for road machinery purposes.

ARTICLE II

Miscellaneous Provisions

[Adopted as Art. II, Sees. 1 through 4, of the 1980 compilation]

§ 16-2. Required warrant.

No money shall be paid from the treasury without a warrant signed by a majority of the Selectmen and the Town Accountant.

§ 16-3. Required approval.

No bill, charge or account against the town shall be paid without first being approved in writing by the person or a majority of the Board incurring the same.

§ 16-4. Disposition of unexpended funds.

Any portion of an appropriation other than that for a specific purpose, on which the work has not been completed, remaining unexpended at the close of the financial year shall revert to the town treasury unless otherwise provided by law or vote of the town.

§ 16-5. Use of Town Treasurer's office.

All committees and departments of the town will be required to use the office of the Town Treasurer for all activities concerned with the borrowing or funding of all moneys for the Town of Pepperell.

ARTICLE III

Property Tax Bills

[Adopted 5-7-1985 ATM, Art. 29]

§ 16-6. Single payment required.

Beginning with the fiscal year July 1, 1985, through June 30, 1986, any property tax bill not in excess of twenty-five dollars (\$25.) shall be due and payable in a single payment. Such bill shall be due and payable on November 1 of the fiscal year for which it is issued

or, if the single-payment bill is mailed after October 1 of said year, on the 30th day after the bill was mailed, computed from the day of mailing.

ARTICLE IV

Contract Signatories

[Adopted 4-23-1991 ATM, Art. 23]

§ 16-7. Review of contract.

No board, officer, authority or commission appointed by the Selectmen shall enter into a written contract for any purpose which purports to obligate the town unless and until the Selectmen have reviewed such contract at a public meeting and have approved the terms and conditions thereof.

Chapter 22

LAND FUND

§ 22-1.Establishment.

§ 22-2.Purpose.

§ 22-3.Expenditure.

§ 22-4.Appropriation to fund.

§ 22-5.Appropriation from fund.

§ 22-6.Interest income.

§ 22-7.Gifts.

§ 22-8.Annual report.

[HISTORY: Adopted 5-6-1996 Annual Town Meeting, Art. 26. Amendments noted where applicable.]

GENERAL REFERENCES

Earth removal- See Ch. 88.

Flood control - See Ch. 915.

§ 22-1. Establishment.

The Town of Pepperell hereby establishes in the Town Treasury an individual fund (hereinafter called "Land Fund").

§ 22-2. Purpose.

The purposes of the Land Fund are:

- A. To promote the common interest and welfare of the citizens by protecting environmentally sensitive or critical land; preserving historic sites; providing land for recreation or open space; assuring the availability of affordable housing; and for other future anticipated municipal needs.

- B. To stabilize the impact of land purchases on Pepperell taxpayers.
- C. To respond in a timely manner to available parcels of real estate.
- D. To provide a means for the town to participate in planning for the use of a specific parcel of real estate through its acquisition, preparation of a planned use strategy and Town Meeting decision on whether all or part of the land shall be used for a specified municipal purpose or sold for private development.

§ 22-3. Expenditure. [Amended 5/7/2007 ATM, Article 42]

After review by appropriate town committees and boards, the Board of Selectmen is authorized to expend from the fund for the purposes of:

- A. Acquiring options for the purchase of conservation restrictions; agricultural preservation rights; or real estate for general municipal purposes; and
- B. Appraisal, engineering, planning and legal services in connection with the above-stated purposes.

§ 22-4. Appropriation to fund.

At any Annual or Special Town Meeting, the meeting may appropriate funds to be credited to the Land Fund.

§ 22-5. Appropriation from fund.

At any Annual or Special Town Meeting, the meeting may appropriate and/or transfer funds from the Land Fund for the purpose of acquiring conservation restrictions, agricultural preservation rights or real estate for any municipal purposes.

§ 22-6. Interest income.

The Treasurer shall credit the accumulated interest income on any unused balance in the fund to the fund. Said interest income may be expended along with the balance in the fund for the purposes of the fund without further appropriation.

§ 22-7. Gifts.

Gifts of moneys by private parties for the same purposes of the fund, or for any specific restricted land acquisition project, may be received by the town and credited to the fund. Gifts of moneys may be expended by the Board of Selectmen, for the purposes of the gift, without further authorization by Town Meeting.

§ 22-8. Annual report.

The Town Accountant shall annually include in the Town Report a report on the receipts and expenditures of the fund.

Chapter 27

OFFICERS AND EMPLOYEES

ARTICLE I: Moderator

§ 27-1. Election; term.

ARTICLE II: Tree Warden

§ 27-2. Term lengthened.

ARTICLE III: Town Administrator

§ 27-3 Authority to appoint.

§ 27-4 Duties and responsibilities.

§ 27-5 Holding of additional office prohibited.

ARTICLE IV: Town Treasurer

§ 27-6. Acting as Collector of Taxes.

[HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.]

ARTICLE I: Moderator

[Adopted 5-21-1959 STM, Art. 5]

§ 27-1. Election; term.

The town shall elect by official ballot at the polls at the annual election of town officers in 1960 a Moderator to preside at all Town Meetings for the term of three years and shall elect by official ballot at the polls a Moderator to serve for the term of three years each and every three years thereafter.

ARTICLE II: Tree Warden
[Adopted 4-18-1978 ATM, Art. 16]

§ 27-2. Term lengthened.

The town hereby directs that the Tree Warden shall be elected for a three-year term instead of the present one-year term, this to become effective at the annual election in 1979.

ARTICLE III: Town Administrator
Adopted 3-1-1982 STM, Art. 1; amended 5-4-1998 ATM, Art. 43]

§ 27-3. Authority to appoint.

The Selectmen are authorized and empowered to appoint a Town Administrator pursuant to MGL c. 41, § 23A, who may be appointed by them for a term of one or three years, as the Selectmen shall determine, and to remove him or her at their discretion.

§ 27-4. Duties and responsibilities.

The Town Administrator shall act by and for the Selectmen in any matter to which they may assign him or her relating to the administration of the affairs of the town or town offices and departments under their supervision or control, or, with the approval of the Selectmen, may perform such other duties as may be requested of him or her by any other town officer, board, committee or commission.

§ 27-5. Holding of additional office prohibited.

The Town Administrator shall be sworn to the faithful performance of his duties and, during the time that he or she holds office, shall hold no other elective office of the town, but may be appointed to any other town office or position consistent with his or her position.

ARTICLE IV: Town Treasurer
[Adopted 3-1-1982 STM, Art. 2]

§ 27-6. Acting as Collector of Taxes.

The Town Treasurer shall act as the Collector of Taxes for the Town of Pepperell.

Chapter 37

SEALER OF WEIGHTS AND MEASURES

ARTICLE I

Fees

[Adopted 10-20-1997 STM, Art.4]

§ 37.1. Purpose; statutory authority; fees established.

[HISTORY: Adopted as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Fees

[Adopted 10-20-1997 STM, Art. 4]

§ 37-1. Purpose; statutory authority; fees established.

A. This article is inserted to schedule the fees of the Sealer of Weights and Measures pursuant to MGL c. 98 § 56.

B. Fees established.

(1) The fees of the Sealer of Weights and Measures shall be:

a) Scales:

- [1] Over 10,000 pounds: \$75.
- [2] Over 5,000 to 10,000 pounds: \$50.
- [3] Over 1,000 to 5,000 pounds: \$35.
- [4] Over 100 to 1,000 pounds: \$20.
- [5] Up to 100 pounds: \$15.

(b) Weights, apothecary and other: \$10 each.

(c) Gasoline pumps (inlets up to one inch): \$20 per nozzle

(d) Vehicle tank, pump or gravity: \$25.

(e) Bulk storage: \$35.

(f) Taxi meters: \$10.

(g) Linear measuring devices: \$10.

(2) Otherwise the Sealer of Weights and Measures shall receive fees as provided in said MGL c. 98, § 56, and shall receive reasonable compensation for the use of special facilities, necessary repairs, alterations and adjustments made by him.

Chapter 40

TOWN MEETINGS

§ 40-1. Days of Annual Town Meeting

§ 40-2. Quorum requirements

§ 40-3. Conduct of town business

§ 40-4. Hour of Annual Town Meeting

§ 40-5. Annual election

§ 40-6. Restrictions on certain actions

§ 40-7. Insertion of subject upon warrant

§ 40-8. Appointed to nonresident town official' authority to speak

§ 40-9. Special Town Meetings

[HISTORY: Adopted as Art. I of the 1980 compilation. Amendments noted where applicable.]

§ 40-1. Days of Annual Town Meeting. [Amended 4-23-1991 ATM, Art. 10]

The Annual Town Meeting shall be held on the fourth Monday of April and the first Monday of May of each year.

§ 40-2. Quorum requirements.

No fewer than 75 voters shall be a quorum for the transaction of any town business.

§ 40-3. Conduct of town business. [Amended 11-9-1992 STM, Art. 17]

All business except the election of such officers and the determination of such matters as by vote of the town are required to be elected or determined by ballot shall be considered on the first Monday in May.

§ 40-4. Hour of Annual Town Meeting.

The Annual Meeting for the transaction of business shall be called at 7:30 p.m.

§ 40-5. Annual election. [Amended 11-9-1992 STM, Art. 17; 5-6-1996 ATM, Art. 8]

The annual election of town officers and the determination of such matters as are required to be elected or determined by ballot shall be held on the fourth Monday of April. The polls shall be open from 7:00 a.m. to 8:00 p.m.

§ 40-6. Restrictions on certain actions.

No action shall be taken at any Town Meeting on the report of any committee previously chosen unless the subject matter shall be specified in the warrant calling such meeting.

§ 40-7. Insertion of subjects upon warrant.

[Added 10-3-1983 STM, Art. 12; amended 9-27-1988 STM, Art. 24]

The Selectmen shall insert within the warrant for the Annual Town Meeting all subjects, the insertion of which shall be requested of them at least 42 days, except for zoning Articles which shall be 100 days, prior to the date set by this chapter for the Annual Town Meeting by 10 or more registered voters of the town, it being the intent of this chapter to assure that all such matters receive sufficient review and study prior to consideration by the Town Meeting. Nothing contained herein shall be construed as preventing the Selectmen at their discretion from including any matter within the warrant of the Annual Town Meeting, the insertion of which is requested of them within 42 days of the Annual Town Meeting, which they deem to be in the best interest of the town, consistent with the purpose of this chapter.

§ 40-8. Appointed nonresident town officials' authority to speak.

[Added 5-19-1986 ATM, Art. 42]

At all Annual Town Meetings and all Special Town Meetings, appointed town officials who are not residents of the Town of Pepperell may address the Annual or Special Town Meeting when recognized by the Moderator.

§ 40-9. Special Town Meetings. [Added 4-19-1988 ATM, Art. 16]

No Special Town Meeting shall be held the following days:

- A. A legal holiday.
- B. A day immediately preceding a legal holiday.
- C. A day immediately following a legal holiday.
- D. The Monday and Tuesday preceding Thanksgiving.
- E. Any day between December 21 and December 31, inclusive.

Chapter 42

TOWN PROPERTY, DISPOSAL OF

**§ 42-1. Adoption of policies and procedures. § 42-2.
Evasion of policies prohibited.**

[HISTORY: Adopted as Art. III, Sec. 5, of the 1980 compilation. Amendments noted where applicable.]

§ 42-1. Adoption of policies and procedures.

The Selectmen shall adopt policies and procedures governing the disposal of surplus and obsolete tangible personal property of the town. "Disposal" includes any method by which an officer, official, board or department, hereinafter referred to as a "town agency,"

responsible for certain tangible personal property, terminates or substantially reduces its rights to control the property. The policies and procedures shall, among other things:

- A. Comply with all applicable provisions of the Massachusetts General Laws.
- B. Require property to be offered for sale for town use at fair market value to any town agency.
- C. Require an auction or fair notice and sealed bids for property having a value in excess of two thousand dollars (\$2,000.) as determined by the Selectmen and the town agency disposing of the property, if it is not sold to another town agency for town use; provided, however, that where such disposal is incidental to another matter for which bids are solicited, the personal property may be exchanged all or in part for the goods and services, work, etc., so bid, at a value as determined in the bid or by the Selectmen and the town agency disposing of the property.
- D. Provide for fair disposal of property having a value of two thousand dollars (\$2,000.) or less, as determined by the Selectmen and town agency disposing of the property, if it is not sold to another town agency for town use.

§ 42-2. Evasion of policies prohibited.

No action shall be taken to increase or decrease, by combination or division or in any other way, the value of any item, service or piece of property so as to avoid the effects of the policies and procedures adopted above and as promulgated by the Selectmen.

PART II

GENERAL LEGISLATION

Chapter 50

ALCOHOLIC BEVERAGES

§ 50-1. Possession in public restricted.

§ 50-2. Enforcement.

§ 50-3. Violations and penalties.

[HISTORY: Adopted as Art. VII, Sec. 18, of the 1980 compilation. Amendments noted where applicable.]

§ 50-1. Possession in public restricted.

No person shall drink an alcoholic beverage or have in his or her control or possession an open container, can or bottle containing an alcoholic beverage, as defined by MGL C. 138, § 1, while on, in or upon any public way or upon any way to which the public has a right of access, or any public common, park or playground or any place to which members of the public have access as invitees or licensees, or any private land or place, without the consent of the owner or person in control of such public or private land or place.

§ 50-2. Enforcement.

All alcoholic beverages being used in violation of this chapter shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession.

§ 50-3. Violations and penalties.

Whoever violates this chapter shall be punished by a fine of not more than fifty dollars (\$50.).

Chapter 58

BICYCLES

- § 58-1. Registration required.
- § 58-2. Registration authority; certificates of registration.
- § 58-3. Contents of application.
- § 58-4. Contents of registration.
- § 58-5. Registration decal.
- § 58-6. Requirements upon sale or transfer of ownership.
- § 58-7. Duties of rental and sale agencies.
- § 58-8. Availability of blank forms.
- § 58-9. Reflector required.
- § 58-10. Registration fee.
- § 58-11. Conformance to traffic rules.
- § 58-12. Operational safety requirements.
- § 58-13. Violations and penalties.
- § 58-14. Violations by minors.
- § 58-15. Applicability.
- § 58-16. Effect of violations limited.

[HISTORY: Adopted as Art. VII, Sec. 20, of the 1980 compilation; amended 1-14-1980 ATM, Art. 1. Subsequent amendments noted where applicable.]

§ 58-1. Registration required.

No resident shall operate a bicycle within the limits of the town unless such bicycle is registered under this chapter in such city or town and unless the registration decal issued therefore is attached to such bicycle.

§ 58-2. Registration authority; certificates of registration.

The Police Department shall register all bicycles owned by persons residing within the town and issue to the owners thereof certificates of registration, which shall be in effect, unless suspended as hereinafter provided, so long as such registrants own said bicycles.

§ 58-3. Contents of application.

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

§ 58-4. Contents of registration.

The certificate of registration shall contain the name and address of the owner, a description of the bicycle and a register number.

§ 58-5. Registration decal.

Every bicycle so registered shall have attached thereto a registration decal furnished by the Police Department of the town where registered. Such decal shall bear the register number assigned to the bicycle and the name of the town where registered.

§ 58-6. Requirements upon sale or transfer of ownership.

Upon the sale or other transfer of a registered bicycle, the registrant shall remove the registration decal and surrender the same to the Police Department or may, upon application but without payment of an additional fee, have said decal assigned to another bicycle owned by the applicant.

§ 58.7. Duties of rental and sale agencies.

A bicycle rental agency in any town which accepts this chapter shall not rent or offer any bicycle for rent unless the bicycle is registered and a registration decal is attached thereto as provided herein. Every person engaged in buying or selling new or secondhand bicycles in such town shall make a report to the Police Department of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycles by name or make and the number of the registration decal, if any, attached thereto.

§ 58-8. Availability of blank forms.

Blank forms of applications and certificates for use in carrying out the provisions of this chapter shall be prepared and furnished by the Commissioner of Public Safety to all such towns at their expense.

§ 58-9. Reflector required.

Every bicycle shall be equipped with a red reflector at least two (2) inches in diameter visible from the rear end.

§ 58.10. Registration fee.

A fee of not more than twenty-five cents (\$0.25) shall be collected for each registration decal and certificate issued under this chapter.

§ 58-11. Conformance to traffic rules.

Operators of bicycles shall conform to traffic rules and regulations so far as they are obviously and reasonably applicable for their own safety.

§ 58-12. Operational safety requirements.

No operator of a bicycle shall permit any person in excess of the number for which such bicycle is designed and equipped to ride thereon with him, and no operator of a bicycle shall permit it to be drawn by any other moving vehicle.

§ 58-13. Violations and penalties.

Violation of any provision of this chapter shall be punished by a fine of one dollar (\$1.), and, in addition, the Police Department may suspend the registration certificate of any registered bicycle operated in violation of any such provision.

§ 58-14. Violations by minors.

In case the person operating a bicycle in violation of any provision of this chapter is a minor, the Police Department, instead of prosecuting such minor hereunder, may, with the consent of his parent or guardian, impound such bicycle for a period not exceeding fifteen (15) days.

§ 58-15. Applicability.

This chapter shall apply only to a bicycle at least one (1) wheel of which exceeds twenty (20) inches in diameter.

§ 58-16. Effect of violations limited.

No violation of any of the provisions of this chapter relative to the registration of bicycles shall affect any civil right or liability, nor shall any such violation by a minor under the age of eighteen (18) be considered a criminal offense.

Chapter 62

BUILDING CONSTRUCTION

§ 62-1. Permit required.

[HISTORY: Adopted as Art. XIII, Sec. 1, of the 1980 compilation. Amendments noted where applicable.]

§ 62-1. Permit required.

No building shall be erected within the Town of Pepperell by any person without a permit, to be issued by the Building Inspector. Such permit is to be visibly posted upon the premises.

Chapter 70

CEMETERIES

ARTICLE I

Woodlawn and Walton Cemeteries

§ 70-1. Purchase of lot; restrictions on uses.

§ 70-2. Permission required to break ground; monuments; plantings.

§ 70-3. Duties of Superintendent.

ARTICLE II

Fees

§ 70-4. Schedule established.

[HISTORY: Art. I, adopted 4-18-1989 Annual Town Meeting, Art. 28; Art. II, adopted 4-18-1989 Annual Town Meeting, Art. 29; Cemetery Commissioners replaced by Board of Public Works 10/28/2002 STM, Art 28. Amendments noted where applicable.]

ARTICLE I: Woodlawn and Walton Cemeteries
[Adopted 4-18-1989 ATM, Art. 28]

§ 70-1. Purchase of lot; restrictions on uses.

- A. The purchase of a burial lot in said cemetery shall be for the burial of the human dead only and shall be subject to all the provisions of MGL C. 114 relating to cemeteries and rules and regulations of the Board of Public Works of the Town of Pepperell.
- B. All lots sold must include perpetual care of said lot.
- C. Fees are set by the Board from time to time and are subject to the approval of the town. Fees must be paid before the use of said lot.
- D. Perpetual care includes maintaining the level of the ground, top dress and cut and care of the grass on said lot.

§ 70-2. Permission required to break ground; monuments; plantings.

A. Permitted usage of lot. No interment or breaking of the sod can be done on said lot without written permission of the Cemetery Superintendent; any work done on said lot can only be done with approval by the proprietor or the Cemetery Department.

B. Every earth interment shall be made in a concrete container (vault) and special containers for cremation ashes and infant burials. (This regulation was voted on and accepted at the Board of Health meeting on February 9, 1989.)

C. Only one (1) monument, above grade, the size to be in relation to the size of the lot shall be permitted, except on a one-grave lot, on which there can only be a flush marker. All monuments and flush markers must be approved by the Superintendent.

D. Plantings. Persons planting shrubs and bushes and placing objects must have the permission of the Superintendent. Flowers may be planted only in the area of the monument or marker.

E. Responsibility. Trimming and the upkeep of objects on said lot is the sole responsibility of the proprietor, and it shall be the duty of the Superintendent of the cemetery to notify the proprietor of said lot when any trees or shrubs, by their roots, branches or size of growth and decay, become detrimental to said lot or the adjacent lot or inconvenient for mowing. The Superintendent has the right to enter on said lot and remove the same.

§ 70-3. Duties of Superintendent.

The Superintendent, under the direction of the Board of Public Works, shall have the general care and custody of the cemetery and the enforcement of the laws, rules and regulations affecting the rights of the proprietor and the conduct of visitors.

ARTICLE II: Fees

[Adopted 4-18-1989 ATM, Art. 29]

§ 70-4. Schedule established.

A new Fee Schedule for the sale of land, perpetual care and interment fees, in accordance with the provisions of MGL C. 111 § 24, and the rules and regulations of the Board of Public Works, is adopted, the following schedule being available at the Town Clerk's office and the cemetery office:

A. One-grave unit:

(1) Land: seventy-five dollars (\$75.).

(2) Perpetual care: one hundred twenty-five (\$125.).dollars

(3) Total: two hundred dollars (\$200.). B. Four-grave unit:

B. Four-grave unit:

- (1) Land: three hundred dollars (\$300.).
- (2) Perpetual care: five hundred dollars (\$500.).
- (3) Total: eight hundred dollars (\$800.).

C. Interment:

- (1) Standard burial: two hundred dollars (\$200.).
- (2) Cremation ashes: fifty dollars (\$50.).
- (3) Infant: fifty dollars (\$50.).

Chapter 81

DOGS AND OTHER ANIMALS

ARTICLE I: Piggeries

Prohibited use.

Exception.

ARTICLE II: Dogs

Control on school and town grounds.

Chasing cars on public roads.

Chasing of livestock.

Injuring or killing other domestic animals.

Keeping of dangerous dogs.

Authority to temporarily restrain or muzzle.

Female dogs in season.

Complaint authority; enforcement.

Fines.

Licensing required.

Nuisances.

[HISTORY: Art. I, adopted as Art. XIII, Sec. 2, of the 1980 compilation; Art. II, adopted as a part of the 1980 compilation. Amendments noted where applicable.]

ARTICLE I Piggeries

[Adopted as Art. XIII, Sec. 2, of the 1980 compilation]

§ 81-1. Prohibited use.

No land shall henceforth be used for maintaining or operating a piggery for commercial purposes.

§ 81-2. Exception.

The maintenance of fewer than six (6) pigs on the premises shall not be deemed a violation of this Article.

ARTICLE II: Dogs

[Adopted as a part of the 1980 compilation]

§ 81-3. Control on school and town grounds.

No person shall allow a dog owned by him to be in a school building or unrestrained on school or town grounds between thirty (30) minutes before and thirty (30) minutes after the hours when any school or public recreation program is in session. First offenders will receive a warning issued by the Dog Officer. Subsequent offenses will result in fines as listed below.

§ 81-4. Chasing cars on public roads.

No person shall allow a dog owned by him to chase cars on public roads. First offenders will receive a warning issued by the Dog Officer. Subsequent offenses will result in fines as listed below.

§ 81-5. Chasing of livestock.

No person shall allow a dog owned by him to leave his property and chase or harass livestock. First offenders will receive a warning issued by the Dog Officer. Second offenders will be directed to restrain the dog.

§ 81-6. Injuring or killing other domestic animals.

No person shall allow a dog owned by him to leave his property and kill or maim any other dog, cat or other domestic animal. First offenders will be directed to restrain the dog.

§ 81-7. Keeping of dangerous dogs.

No person shall allow a dog owned by him which, by its appearance, actions or reputation, causes people to fear for their own safety, to leave his property unrestrained. This applies to persons who permit their dogs to chase bicyclists, joggers and other pedestrians on public rights-of-way. First offenders will receive a warning from the Dog Officer. Second offenders will be directed to restrain the dog.

§ 81-7.1. Authority to temporarily restrain or muzzle.
[Added 5-19-1986 ATM, Art. 45]

The Dog Officer is authorized and empowered to temporarily muzzle, restrain or order the owner or keeper of a dog to muzzle or restrain a dog pending a hearing before the Board of Selectmen when the Dog Officer finds that a dog has bitten or threatened any person or domesticated or farm animal. The muzzling, restraining or the order to muzzle or restrain shall be in effect for forty-five (45) days or until the Board of Selectmen has issued a decision from a hearing held in accordance to this section of this chapter. The owner or keeper of any dog that has been ordered to be restrained or muzzled under the provisions of this section may request the Dog Officer, in writing, to vacate such order. If such order is not vacated, the owner or keeper of such dog may bring a petition in District Court praying that the order or restraint may be reviewed by the Court as provided in MGL C. 140, § 157, as amended.

§ 81-8. Female dogs in season.

No person shall allow a female dog in season owned by him to leave his property unrestrained. First offenders will receive a warning from the Dog Officer. Subsequent offenses will result in fines as listed below.

§ 81-9. Complaint authority; enforcement.

All complaints will be directed to the Dog Officer. All cases involving potential restraint of the dog must be directed to the Dog Officer in writing. Cases involving potential restraint will be investigated by and presented to the Board of Selectmen by the Dog Officer, with his recommendations. If such restraint is ordered, it shall be enforced as directed by Chapter 140 of the General Laws of the Commonwealth of Massachusetts.

§ 81-10. Fines.

Fines for second and subsequent offenses of §§ 81-3,81-4 and 81-8 of this Article are as follows: second offense, five dollars (\$5.); third offense, ten dollars (\$10.); fourth (and subsequent) offenses, twenty-five dollars (\$25.).

§ 81-11. Licensing required.

[Amended 6-11-1990 ATM, Art. 17; amended 1/11/1999 STM, art 11]

An owner or keeper of any dog within the Town of Pepperell which, at the commencement of the license period running from April 1 of any year through March 31 of the following year, is six (6) months old or older, shall cause the dog to be properly registered, numbered, described and licensed in accordance with Chapter 140 of the Massachusetts General Laws. The owner or keeper of any such dog by May 31 of any year shall, in addition to the fees and charges provided for in MGL C. 140, § 139, thereafter be subject to a service charge of twenty-five dollars (\$25.), which shall be turned over to the town treasury.

§ 81-12. Nuisances. [Added 5-2-1994 ATM, Art. 13]

A. No owner or keeper of any dog shall permit such dog, whether licensed or unlicensed, to become a public nuisance within the town at any time. It shall be the duty of the Dog Officer at his or her discretion to apprehend any dog which he/she has reason to believe to be a public nuisance and to impound such dog in a suitable place or to order the owner thereof to restrain such dog. The owner of any dog impounded may reclaim such dog upon payment of the sum of three dollars (\$3.) for the first twenty-four-hour period or any part thereof that the dog is held and ten dollars (\$10.) for each additional twenty-four (24) hours or any part thereof; provided, however, that if the dog is not licensed before release to any person, a license, if such is required by the town, shall be secured. The sums collected pursuant to the provisions of this section shall be accounted for and paid over to the Town Clerk. Any dog which has been impounded and has not been redeemed by the owner within ten (10) days shall be disposed of as provided for by the laws of the Commonwealth of Massachusetts. Any owner found in violation of any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine in accordance with the following schedule or any other schedule permitted by law:

- (1) First offense: twenty-five dollars (\$25.).
- (2) Second offense: thirty-five dollars (\$35.).
- (3) Third and subsequent offenses in any twelve-month period: fifty dollars (\$50.).

B. If the owner or keeper of a dog be a minor, the parent or guardian of such minor shall be held liable for any violations of this section. The Dog Officer, members of the Police Department or whoever else may be designated by the Board of Selectmen shall enforce the provisions of this section and shall attend to all complaints or other matters pertaining to dogs in the town with citation rights.

C. Definitions.

DOG - All animals of the canine species, both male and female.

DOG OFFICER - Animal Control Officer.

OWNER - Any person or persons, firm, association or corporation owning, keeping or harboring a dog as herein defined.

PUBLIC NUISANCE - Any dog shall be deemed a "public nuisance" when attacking persons or domestic animals when such dog is on property other than that of the dog owner; when destroying property; when on a public school grounds and not under restraint; when it persistently chases moving vehicles; when it persistently and continuously barks or howls; when it is permitted to run at large and unrestrained on property other than its owners. Any unspayed female dog in season shall be deemed a

"public nuisance" when not confined indoors or housed in a veterinary hospital or registered kennel.

- C. Each time one (1) of the above nuisances exist shall constitute a separate offense. Failure to license during the calendar year shall result in a fine of twenty-five dollars (\$25.). This fine shall not affect the late fee the Town Clerk charges.

Chapter 84

DRIVEWAYS

§ 84-1. Permit required.

§ 84.2. Permit rules and regulations.

[HISTORY: Adopted as Art. XIII, Sec. 4, of the 1980 compilation. Amendments noted where applicable.]

§ 84-1. Permit required.

A permit shall be obtained from the Highway Superintendent before the construction of a new driveway or the alteration of an existing driveway at the intersection with an accepted town street.

§ 84-2. Permit rules and regulations.

The rules and regulations pertaining to driveway permits are as follows:

- A. The application for a driveway permit will be issued by the Highway Superintendent.
- B. The proposed driveway site will be viewed by the Highway Superintendent, with the location, grade and drainage being evaluated.
- C. The necessary construction to comply with the proper location, grade and drainage will be written on the application for the permit by the Highway Superintendent within three (3) working days of the application date.
- D. When the construction or alteration of the driveway or other means of access abutting an accepted town street has been satisfactorily completed, the permit will be signed by the applicant and the Highway Superintendent, with one (1) copy each for the applicant, Highway Superintendent and Town Clerk.
- E. The application for a driveway permit will be valid for six (6) months from the date of issue.

Chapter 88

[Editor's Note: This Article was originally adopted as Ch. 175, but was redesignated as Ch. 88 to maintain the alphabetical sequence of the Code.]

EARTH REMOVAL

Definitions.

Applicability; effect on zoning regulation. Permits.

Exemptions. Informal permits. Removal of loam.

Removal of support of adjoining land. When effective.

Violations and penalties. Severability.

Administration and enforcement.

[HISTORY: Adopted 5-1-1995 Annual Town Meeting, Art. 7.1 Amendments noted where applicable.]

§ 88-1. Definitions.

As used in chapter, the following terms shall have the meanings indicated:

BOARD - The Selectmen of the Town of Pepperell.

EARTH - All forms of soil, including, without limitation, loam, sand, gravel, clay, peat, silt, hardpan or rock.

GOOD CAUSE - A finding by the Selectmen after the applicant's written request that a particular requirement is in conflict with another bylaw, statute or rule, excepting zoning, also applicable at the time to the subject land or work, such that the land cannot be prepared for a planned lawful use. No requirement shall be waived solely for the purpose of increasing the amount of earth material to be removed.

LOT - A parcel of land under single, joint or several ownership and separated from contiguous land by property lines or street lines.

OWNER - The owner of record of the lot with respect to which earth is sought to be removed or the person lawfully standing in the stead of such owner as, for example, a lessee or tenant, or person or entity under agreement to purchase with explicit authority act for the owner of record.

REMOVAL - Stripping, digging, excavating or blasting earth from one lot and removing or carrying it away from said lot.

§ 88-2. Applicability; effect on zoning regulation.

A. This chapter shall apply to all earth removal activities in the Town of Pepperell, except those undertaken on public land for public purposes and except as otherwise limited herein. It shall apply to all areas, regardless of zoning district.

B. Nothing in this chapter, however, shall be deemed to amend, repeal or supersede Chapter 174, Zoning, now in force or as later amended. Nothing herein shall derogate from the intent and purpose of said Chapter 174, Zoning.

C. In cases of dual application, the provisions of this chapter and Chapter 174, Zoning, must both be met and satisfied.

§ 88-3. Permits.

A. Except as otherwise provided in §§ 88-4 and 88-5 herein, no earth shall be removed from any lot in the Town of Pepperell unless a permit shall have first been obtained by the owner from the Board.

B. Applications for earth removal permits shall be made to the Board. A majority vote of the Board shall be sufficient to grant a permit. The applicant shall pay such filing fee and review fee as are established by the Board. The Board may promulgate and file with the Town Clerk rules and regulations providing for filing and review fees and procedures and requirements governing the application content consistent with this chapter.

C. The procedure to be followed by applicants shall be as follows:

(1) An applicant shall submit clear and convincing evidence of his ownership or authority from the owner to seek the permit.

(2) An applicant shall submit ten (10) copies of a plan showing natural or existing topography on the entire lot from which material is to be removed, together with ten (10) copies of a plan showing the grades as they will be at the conclusion of the operation or at the end of two (2) years, whichever period is the shorter. The plan showing the grades at the conclusion of the operation shall conform to the grading requirements of the Planning Board's Subdivision Control Regulations² and shall be such that peak stream flows and runoff rates at the boundaries of the lot resulting from a twenty-five-year storm event shall be at no greater or lesser rates of flow following the proposed earth removal, except for good cause. No earth removal shall result in grades below existing center-line road grades for a distance of two hundred (200) feet from the street line except for good cause. The plans shall be stamped by a Massachusetts registered civil engineer and, as may be necessary, by a Massachusetts registered land surveyor.

(3) Said plan shall show the driveway or route of the owner's and the owner's contractor's and customer's trucks or other vehicles shall use in entering and exiting the lot and shall

submit competent evidence that vehicles entering and exiting the lot shall not pose a safety hazard.

(4) Said plan shall show the location of all wetland resources as defined in MGL C. 131, § 40, and in the town bylaws within two hundred (200) feet of the limits of the earth removal proposed. Said plan shall show the contour of the naturally occurring high groundwater on the lot.

(5) The applicant shall furnish ten (10) copies of an estimate, prepared by said engineer, of the quantity of earth material proposed to be removed during the permit duration, the proposed hours of operation and the estimated total number of vehicle trips required to achieve the removal and restoration during the permit term, assuming typical vehicles are to be utilized, and the estimated vehicle trips during a typical day. If the applicant proposes to blast rock or other material, the quantity of material to be blasted shall be estimated and safety measures shall be proposed. If the applicant proposes to crush or process material on the lot, the quantity and type of material and the type of equipment to be used shall be stated.

(6) The applicant shall propose a plan for the control of dust and debris and to prevent siltation of adjoining land and ways, and for the cleaning and maintenance of town ways in the vicinity of the lot.

(7) The applicant shall propose a plan for the disposal of stumps on the lot and, in the absence of an approved plan, there shall be no disposal or burial of stumps on the lot.

(8) The applicant shall propose a plan for the restoration of the lot as each phase of the operation is completed or when operations are suspended for more than six (6) months.

(9) Where six (6) or more acres are proposed for permit, the applicant shall propose a plan of phasing to result in not more than five (5) acres being open for operations at any time and to close and restore previously open areas.

(10) All of the foregoing plans shall be prepared by and stamped by a registered professional engineer, and the Selectmen may include such plans as may be conditioned or revised in permit requirements and conditions.

D. All permits granted by the Board must be made subject to at least the following conditions, said conditions to be written on the permit and made a part thereof:

(1) The proper and reasonable surface drainage of the land affected by earth removal operations is assured during and after the removal operations as evidenced by the plans and calculations as may be required.

(2) At the conclusion of the earth removal operations or of any substantial portion thereof, the whole area where removal has taken place is covered with not less than four (4) inches of topsoil and seeded with a suitable cover crop, except where ledge rock is exposed, and all large stones and boulders which protrude above the finished grade are to be removed or buried. Except for good cause, there shall be no burial of stumps, except in locations expressly designated. There shall be no burial of waste of any kind, unless defined as an earth material herein.

(3) Where the earth removal is undertaken to enable or facilitate a lawful use or a subdivision of land, the applicant shall demonstrate in clear and convincing evidence that the removal of any earth from the parcel is necessary. Earth removal shall be presumed excessive and unnecessary if the lot, in its natural state, may be connected by gravity flow to town sewers and after earth removal must be lifted to town sewers, or where the implementation of the subdivision may be accomplished by cuts and fills on the lot.

(4) Where the earth removal is undertaken to enable or facilitate another use or a use exempt under the Zoning Bylaw,³ the Board may require the applicant to restrict by deed the use of the premises to the use so enabled or facilitated for a period of not less than twenty (20) years.

(5) No earth removal shall be permitted below four (4) feet above the natural high groundwater elevation, except upon clear and convincing evidence that such earth removal is necessary to enable an agricultural or passive recreational use, and the use so enabled and created is limited in perpetuity to that use.

(6) The applicant shall post performance security with the Treasurer of the Town of Pepperell in an amount determined by the Board as sufficient to guarantee conformity with the provisions or conditions of the permit, including, but not limited to, the anticipated cost of restoration of the land to the condition required in the permit by a private contractor hired by the town after public bidding following expiration of the permit. Performance security shall not be released until the Selectmen are satisfied that restoration is complete according to the permit, and in the case of transfer of ownership, that the successor owner has furnished performance security then found to be sufficient.

(7) The trucks or other vehicles shall follow a specified route in coming and going to and from said land, not exceeding specified speeds. The Board may require the owner to furnish a flagperson or special police details at the entrance to protect the public safety where vehicle traffic on a given day exceeds certain limits.

(8) Temporary traffic signs shall be posted by the applicant as required by the Board.

(9) All requirements of the Registrar of Motor Vehicles pertaining to trucks shall be met.

(10) No earth materials shall be brought to the site except in conjunction with a Board-approved site restoration plan.

(11) The foregoing conditions do not relieve the owner from compliance with other local, state and federal requirements.

E. Before issuing a permit, the Board shall hold a public hearing, after giving at least fourteen (14) days' notice by publication in a newspaper of general circulation, the first of such notices to appear not less than twenty-one (21) days prior to the date of hearing, and by written notice to all abutters and the Planning Board and Conservation Commission. The expenses incurred in giving such notices shall be charged to and paid by the applicant.

F. Applications for permits may be granted, denied or granted in part and denied in part

G. No permit shall be issued for a period in excess of twenty-four (24) months. The duration of the permit, including the beginning and terminating dates, shall be set forth on the permit. The issuance of a permit shall not be construed as evidence or assurance that a successor or continuation permit will be issued whether or not the work contemplated in the approved plan is complete. All required restoration work shall be completed by the end of the permit term.

§ 88.4. Exemptions.

The following activities are exempted from the provisions of this chapter:

A. Public land: earth removal on lands in public use for a public purpose or on public lands for a public purpose, provided that the public custodian of such land has authorized the removal.

B. Intralot activities: except for the provisions relative to loam and the removal of lateral support in §§ 88-6 and 88-7 below, any earthmoving activities confined entirely to the limits of a single lot, as herein defined.

C. Surplus earth: removal of surplus earth necessary and incidental to a construction project being carried on pursuant to the issuance of a building permit, provided that the building permit applicant clearly demonstrates by plans submitted, and the building permit expressly requires, that resulting topography meets fully the requirements of § 88-3C(2).

D. Small quantities: any earth removal involving fifty (50) cubic yards or fewer in total over a twenty-four-month period, provided that the resulting topography meets fully the requirements of § 88-3C(2), except for good cause.

§ 88-5. Informal permits.

Permits to remove earth in quantities not exceeding two hundred fifty (250) cubic yards, but in excess of the exempted amount of fifty (50) cubic yards, may be issued informally by a majority vote of the Board without need of complying with the provisions of § 88-3 above as to the submission of plans, notice, hearings, recovery, bonds, etc.; provided, however, that:

A. Proper surface drainage of the parcel is assured during and after the removal of earth.

B. No grades resulting from such earth removal exceed a slope of one (1) foot of vertical rise to four (4) feet of horizontal distance for the first one hundred (100) feet from all property lines, and no grades are below existing center-line road grade for a distance of two hundred (200) feet from the street line and removal is not less than four (4) feet above the natural high groundwater elevation, good cause excepted.

C. Informal permits shall expire not more than one (1) year from date of issue, and not more than one (1) such permit shall be issued in a five-year period.

§ 88-6. Removal of loam.

No loam shall be stripped and removed from any land in the town, except surplus loam in excess of that required to provide four (4) inches of cover in connection with construction on a lot under a building permit as aforesaid, except for good cause.

§ 88-7. Removal of support of adjoining land.

There shall be no removal of earth or earth movement of any kind, whether from one parcel to another or whether conducted entirely within a single parcel, the result of which is to remove lateral support from adjoining land, unless a one-to-four grade or slope is maintained for a distance of twenty-five (25) feet from all lot lines. Steeper slopes may be permitted by the Board if deeded and recorded consent is obtained from the owner of the adjoining lot and evidence of such written consent is filed with the Board prior to issuance of a permit.

§ 88-8. When effective.

This chapter shall take effect upon its approval by the Attorney General and its publication and posting as required by MGL C. 40, § 32.

§ 88-9. Violations and penalties.

The penalty for violating any provision of this chapter shall be as follows:

- A. For the first offense: fifty dollars (\$50.).
- B. For the second offense: one hundred dollars (\$100.).
- C. For each subsequent offense: two hundred fifty dollars (\$250.).
- D. The Board may revoke a permit after a second offense.
- E. The Board may require correction of an offense by restoration of the land to its state prior to an offense, and, if there is no permit, the state prior to the offense shall be presumed to be the natural state of the land.

§ 88-10. Severability.

The provisions of this chapter are severable; and if any such provision or the application of such provision to a person or circumstances shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions or the applications of such provisions to persons or circumstances other than those as to which it is held invalid. It is hereby declared to be the legislative intent of this chapter that said remaining sections would have been adopted had such invalid or unconstitutional provisions not been included therein.

§ 88.11. Administration and enforcement.

The Board shall administer and enforce this chapter.

Chapter 93

FIREWORKS

§ 93-1. Prohibited items.

[HISTORY: Adopted as Art. VII, Sec. 13, of the 1980 compilation. Amendments noted where applicable.]

§ 93-1. Prohibited items.

No person shall give away, sell or offer for sale or have in his possession with intent to sell any of the fireworks called "rockets," "crackers," "squibs" or "serpents" or "torpedoes."

Chapter 95

FLOOD CONTROL

.

§ 95-1. Purpose.

§ 95-2. Establishment of flood control area.

§ 95-3. Floodway established.

§ 95-4. Base flood elevation and floodway data.

§ 95-5. Floodway notification.

§ 95-6. Permitted uses.

[HISTORY: Adopted 6-7-1993 Annual Town Meeting, Art. 321. Amendments noted where applicable. (Editor's Note: This Article superseded former Ch. 95, Flood Control, adopted 4-22-1981 Annual Town Meeting, Art. 26)].

§ 95-1. Purpose.

The purpose of the flood control area is to protect the public health, safety and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics and flood storage capacity of the floodplain and to preserve and maintain the groundwater table and the water recharge areas within the floodplain, pursuant to MGL C. 40, § 21(1) and Article 89 of the Massachusetts Constitution.

§ 95-2. Establishment of flood control area.

The flood control area is hereby established on the Town of Pepperell Flood Insurance Rate Map (FIRM), dated June 2, 1993, and on file with the Town Clerk and Building Inspector, as Zones A and AE to indicate the one-hundred-year floodplain and as further defined by the flood profiles contained in the Town of Pepperell Flood Insurance Study (FIS), dated June 2, 1993. All development otherwise permitted in the flood control area shall meet the requirements of:

- A. The Massachusetts State Building Code (780 CMR 3107.0, Flood Resistant Construction). [Amended 5-3-1999 ATM, Art. 12]
- B. Wetland Protection Regulations, Department of Environmental Protection (310 CMR 10.00).
- C. Inland Wetlands Restrictions, Department of Environmental Protection (302 CMR 6.00).
- D. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, Department of Environmental Protection (310 CMR 15, Title 5).

§ 95-3. Floodway established.

- A. The floodway is hereby established as delineated on the Town of Pepperell Flood Insurance Rate Map, dated June 2, 1993, and on file with the Town Clerk and Building Inspector and as further defined by the floodway data contained in the Town of Pepperell Flood Insurance Study, dated June 2, 1993.
- B. All encroachment, including fill, new construction substantial improvements to existing structures and other development are prohibited in the floodway unless certification by a registered professional civil engineer is provided to the Building Inspector by the applicant, demonstrating that such encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- C. Any encroachment meeting the above standards shall comply with the floodplain requirements of the regulations listed in § 95-2 of this chapter.

§ 95-4. Base flood elevation and floodway data.

- A. In Zone A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local or other floodway data shall be used to prohibit encroachments in the floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- B. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is lesser, within Zone A. [Amended 5-3-1999 ATM, Art. 22]

§ 95-5. Floodway notification.

Notification of any alteration or relocation of a watercourse shall be provided to communities adjacent to the relocation, the National Flood Insurance Program State Coordinator and the National Flood Insurance Program Specialist.

§ 95-6. Permitted uses.

The following uses of low flood damage potential and causing no obstruction to flood flows are encouraged, provided that they are permitted in the underlying land use zone, and they do not require structures, fill, storage of materials or equipment:

- A. Agricultural uses.
- B. Forestry and nursery uses.
- C. Outdoor recreational uses.

- D. Conservation of water, plants and wildlife.
- E. Wildlife management areas; foot, bicycle and/or horse paths.
- F. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage or sale of crops raised on the premises.
- G. Buildings lawfully existing prior to the adoption of these provisions.

Chapter 108

HACKNEY CARRIAGES

§ 108-1. Definitions.

§ 108-2. License required.

§ 108-3. Licensing authority.

§ 108-4. Fee.

§ 108-5. Expiration of license.

§ 108-6. Maintenance.

[HISTORY: Adopted as Art. VIII, Secs. 1 through 3, of the 1980 compilation. Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic - See Ch. 164. Operation of vehicles - See Ch. 165. Unregistered vehicles - See Ch. 166.

§ 108-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

HACKNEY CARRIAGE - Every vehicle, except a streetcar or a motor vehicle licensed under another chapter of this Code, used or to be used for the conveyance of persons for hire from place to place within the Town of Pepperell.

§ 108-2. License required.

No hackney carriage shall be operated or used unless a license therefore shall first be obtained from the Board of Selectmen and unless said license is in force.

§ 108-3. Licensing authority.

The Board of Selectmen may from time to time grant the license provided for in § 108-2 and may revoke such license at its discretion.

§ 108-4. Fee.

Every licensee shall pay to the Town Treasurer, for the use of the town, a sum not to exceed ten dollars (\$10.) for each vehicle so licensed.

§ 108-5. Expiration of license.

All licenses granted hereunder shall expire at the expiration of one (1) year from the date of granting thereof unless sooner revoked and shall be recorded by the Town Clerk in a book to be kept for that purpose.

§ 108-6. Maintenance.

Every hackney carriage licensed by the Selectmen shall be maintained according to the rules and regulations as issued by the Selectmen.

Chapter 114

JUNK DEALERS AND COLLECTORS

§ 114-1. Licensing

§ 114-2. Recordkeeping

§ 114-3. Sign required

§ 114-4. Examination of shop

§ 114-5. Sale to minors

[HISTORY: Adopted 3-25-1907 Annual Town Meeting. Amendments noted where applicable.]

§ 114-1. Licensing.

The Selectmen may license suitable persons to be dealers and keepers of shops for the purpose of buying, selling or bartering junk, old metals or secondhand articles in the town. They may license suitable persons to be junk collectors, to collect, by purchase or otherwise, junk, old metals and secondhand articles from place to place in the town, and they may provide that such collectors shall display badges upon their person or upon their vehicles, or upon both, when engaged in collecting, transporting or dealing in junk, old metals or secondhand articles and prescribe the design thereof. They may also provide that such shops and all articles of merchandise therein and any place, vehicle or receptacle used for the collection or keeping of the articles aforesaid may be examined at all times by the Selectmen or by any person authorized by them to make such examination.

§ 114-2. Recordkeeping.

Every keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles within the limits of the town shall keep a book in which shall be written, at the

time of every purchase of any article, a description thereof, the name, age and residence of the person from whom and the day and hour when such purchase was made. Such book shall be open at all times to the inspection of the Selectmen or any person authorized to make such inspection.

§ 114-3. Sign required.

Every keeper of such shop shall put in a suitable and conspicuous place on his shop a sign bearing his name and occupation legibly inscribed thereon in large letters.

§ 114-4. Examination of shop.

Such shop and all articles of merchandise therein may be at all times examined by the Selectmen or any person authorized by them to make such examination.

§ 114-5. Sale to minors.

No keeper of such shop and no collector of junk shall, directly or indirectly, either purchase or receive by way of barter or exchange any articles as aforesaid of a minor, knowing or having reason to believe him to be such.

Chapter 116

LANDFILL [deleted 10/28/2002 STM, Art 28]

Chapter 127

HANDICAPPED PARKING

§ 127-1. Use of designated spaces; obstruction of ramps

§ 127-2. Violations and penalties

[HISTORY: Adopted 5-1-1995 Annual Town Meeting, Art. 35. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks - See Ch. 152.
Vehicles and traffic - See Ch. 184.
Operation of vehicles - See Ch. 165.
Unregistered vehicles - See Ch. 166.

§ 127-1. Use of designated spaces; obstruction of ramps.

No vehicle shall be parked in a space designated for use by disabled or handicapped persons, except a vehicle bearing the license plates authorized by MGL C. 90, § 2, and no vehicle shall obstruct a curb ramp designated for use by a handicapped person.

§ 127-2. Violations and penalties.

The penalty for a violation of this chapter shall be fifty dollars (\$50.).

Chapter 131

PEACE AND GOOD ORDER

ARTICLE I

Public Gatherings

§ 131-1. Prohibited activities.

§ 131-2. Violations and penalties.

**[HISTORY: Art. I, adopted as Art. VII, Sec. 17, of the 1980 compilation.
Amendments noted where applicable.]**

ARTICLE I: Public Gatherings

[Adopted as Art. VII, Sec. 17, of the 1980 compilation]

§ 131-1. Prohibited activities.

No person shall congregate or stand on any sidewalk or public way or other public place in the town in such a manner as to obstruct a free passage for pedestrians or vehicles, or in such a manner as to induce violence or threaten a breach of the peace whereby the free, safe and convenient use thereof shall in any way be interrupted.

§ 131-2. Violations and penalties.

Any person convicted of a violation of this Article shall be punished by a fine of not less than fifty dollars (\$50.).

Chapter 133

PEDDLING AND SOLICITING

§ 133-1. Registration required; issuance of permit.

§ 133-2. License required for peddlers.

§ 133-3. Exemptions.

§ 133-4. Violations and penalties.

[HISTORY: Adopted as Art. VII, Sec. 16, of the 1980 compilation. Amendments noted where applicable.]

§ 133-1. Registration required; issuance of permit.

No person, unless authorized, shall go from place to place within the town taking orders for any goods, wares or merchandise, nor shall any person go begging or soliciting alms on foot or from a vehicle, without having first recorded his name and address with the Chief of Police and furnished such information as may be requested of him. The Chief of Police shall thereupon, if satisfied with the honesty of the applicant, issue a permit for a period not exceeding twelve (12) months, which must be shown on request and shall state that said person has duly registered and is entitled to go from place to place within the town for the purpose specified.

§ 133-2. License required for peddlers.

No person, unless otherwise properly licensed by the state or Board of Selectmen, shall go from place to place in the town selling or bartering or carrying for sale or barter or exposing therefore any goods, wares or merchandise.

§ 133-3. Exemptions.

The Chief of Police may, however, authorize the director of any worthy cause to solicit contributions within the town without having each solicitor under his direction registered. Religious organizations or charitable groups within the town shall be exempt from this chapter.

§ 133-4. Violations and penalties.

Every violation of any of the provisions of this chapter shall be punished by a fine of not less than five dollars (\$5.) nor more than ten dollars (\$10.) for each violation or breach thereof.

Chapter 141

SCENIC ROADS

§ 141-1. Designation

§ 141-2. Consent of Planning Board required for certain work

[HISTORY: Adopted as Art. XIII, Sec. 5, of the 1980 compilation. Amendments noted where applicable.]

§ 141-1. Designation.

In order to preserve the qualities and character of the town ways, roads in the town other than Route 111, Route 113 and Route 119 are designated as scenic roads under the provisions of MGL C. 40, § 15C.

§ 141-2. Consent of Planning Board required for certain work.

Any repair, maintenance, reconstruction or paving work done with respect to a scenic road shall not involve or include the cutting or removal of trees or the tearing down or destruction of stone walls or portions thereof except with the prior written consent of the Planning Board after a public hearing duly advertised. In granting or refusing such consent, the Planning Board shall consider, among other things, public safety, scenic views, preservation and enhancement of natural and aesthetic qualities of the environment and accessibility to emergency vehicles and maintenance equipment.

Chapter 145

SEWERS

ARTICLE I: Sewer Bills

§ 145-1. Interest to be added to late bills.

ARTICLE II: Costs of General and Special Benefit Sewerage Systems

§ 145-2. Separation of costs.

[HISTORY: Art. I, adopted 10-3-1983 Special Town Meeting, Art. 11; Art. II, adopted 5-1-1995 Annual Town Meeting, Art. 9. Amendments noted where applicable.]

ARTICLE I : Sewer Bills

[Adopted 10-3-1983 STM, Art. 11]

§ 145-1. Interest to be added to late bills.

Whenever a sewer bill remains outstanding after thirty (30) days from the billing date, interest shall be added at the rate of interest currently charged for overdue property taxes pursuant to MGL C. 59, § 57, such interest to be added to the sewer bill, and if the bill remains unpaid, it shall be added to the real estate tax bill for the property as a sewer lien pursuant to MGL C. 83, § 16D.

ARTICLE II: Costs of General and Special Benefit Sewerage Systems

[Adopted 5-1-1995 ATM, Art. 9 (Editor's Note: Former Art. II, Building Sewer Connections, adopted 5-8-1985 ATM, Art. 29, was repealed 4-21-1987 ATM, Art. 18)]

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§ 145-2. Separation of costs.

Pursuant to MGL C. 83, § 15, relating to sewerage systems, the costs of general benefit facilities, including, but not limited to, pumping stations, trunk and force mains, shall be separated from that of special benefit facilities, including, but not limited to, the sewer mains, serving adjacent properties.

Chapter 146

WATER USE RESTRICTIONS

§ 146-1. Statutory authority.

§ 146-2. Purpose.

§ 146-3. Definitions.

§ 146-4. Declaration of state of water conservation.

§ 146-5. Restricted water uses.

§ 146-6. Public notification of state of water supply conservation; notification of DEP

§ 146-7. Termination of state of water supply conservation; notice

§ 146-8. Severability

§ 146-9. Violations and penalties.

§ 146-10. Severability.

[HISTORY: Adopted by the 5-4-1998 Annual Town Meeting, Art. 35. Amendments noted where applicable; Water Commissioners replaced by Board of Public Works and Chapter 111 of the Acts of 1908 superceded 10/28/2002 STM, Art 28]

§ 146-1. Statutory authority.

This chapter is adopted by the town under its police powers to protect public health and welfare and its powers under MGL c. 40, § 21 et seq., and implements the town's authority to regulate water use pursuant to MGL c. 41, § 69B.. This chapter also implements the town's authority under MGL c. 40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

§ 146-2. Purpose.

The purpose of this chapter is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a state of water supply conservation or state of water supply emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the town or by the Department of Environmental Protection.

§ 146-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PERSON - Any individual, corporation, trust, partnership or association or other entity.

STATE OF WATER SUPPLY CONSERVATION - A state of water supply conservation declared by the town pursuant to § 146-4 of this chapter.

STATE OF WATER SUPPLY EMERGENCY - A state of water supply emergency declared by the Department of Environmental Protection under MGL c. 21G, § 15 through 17.

WATER USERS or WATER CONSUMERS - All public and private users of the town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.

§ 146-4. Declaration of state of water supply conservation.

The town, through its Board of Public Works, may declare a state of water supply conservation upon a determination by a majority vote of the Board that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a state of water supply conservation shall be given under § 146-6 of this chapter before it may be enforced.

§ 146-5. Restricted water uses.

A declaration of a state of water supply conservation shall include one or more of the following restrictions, conditions or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under § 146-6.

- A. Odd/even day outdoor waterings. Outdoor watering by water users with odd numbered addresses is restricted to odd-numbered days. Outdoor watering by water users with even-numbered addresses is restricted to even numbered days.
- B. Outdoor watering ban. Outdoor watering is prohibited.
- C. Outdoor watering hours. Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a state of water supply conservation and public notice thereof.
- D. Filling swimming pools. Filling of swimming pools is prohibited.
- E. Automatic lawn sprinkler use. Automatic lawn sprinkler use is prohibited.

§ 146-6. Public notification of state of water supply conservation; notification of DEP.

Notification of any provision, restriction, requirement or condition imposed by the town as part of a state of water supply conservation shall be published in a newspaper of general circulation within the town, or by such other means reasonably calculated to reach and inform all users of water of the state of water supply conservation. Any restriction imposed under § 146-5 shall not be effective until such notification is provided. Notification of the state of water supply conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

§ 146-7. Termination of state of water supply conservation; notice.

A state of water supply conservation may be terminated by a majority vote of the Board of Public Works, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a state of water supply conservation shall be given in the same manner required by § 146-6.

§ 146-8. State of water supply emergency; compliance with DEP orders.

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement or condition of any order approved or issued by the Department intended to bring about an end to the state of emergency.

§ 146-9. Violations and penalties.

Any person violating this chapter shall be liable to the town in the amount of \$50 for the first violation and \$100 for each subsequent violation which shall inure to the town for such uses as the Board of Public Works may direct. Fines shall be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with MGL c. 40, § 21D. Each day of violation shall constitute a separate offense.

§ 146-10. Severability.

The invalidity of any portion or provision of this chapter shall not invalidate any other portion or provision thereof.

Chapter 152

STREETS AND SIDEWALKS

ARTICLE I

Miscellaneous Provisions

§ 152-1. Horses, carriages and other obstructions on sidewalks prohibited; penalties.

§ 152-2. Obstructions in general.

§ 152-3. Awnings, canopies and signs over sidewalks restricted.

§ 152-4. Skating or coasting restricted.

§ 152-5. Excavation requirements.

§ 152-6. Disturbance of the peace; placing of dangerous objects in the ways.

§ 152-7. Gates opening onto public ways prohibited.

§ 152-8. Deposit of injurious materials prohibited.

§ 152-9. Stopping of vehicles at direction of officer.

§ 152-10. Litter, dirt and rubbish prohibited.

§ 152-11. Extinguishing or removing of safety lights prohibited.

§ 152-12. Graffiti and committing of nuisance prohibited.

§ 152-13. Placement of rubbish or garbage.

ARTICLE II: Street Numbering

§ 152-14. Assignment of numbers.

§ 152-15. Petition procedure.

§ 152-16. Request for numbers in subdivisions.

[HISTORY: Art. I, adopted as Art. VII, Sees. 1 through 12 and 14, of the 1980 compilation; Art. II, adopted 5-19-1986 Annual Town Meeting, Art. 44. Amendments noted where applicable.]

ARTICLE I : Miscellaneous Provisions

[Adopted as Art. VII, Sees. 1 through 12 and 14, of the 1980 compilation]

§ 152-1. Horses, carriages and other obstructions on sidewalks prohibited; penalties.

A. No person shall hitch his horse or suffer any horse to remain hitched across any sidewalk, or draw or propel any handcart, wheelbarrow or any carriage of burden or pleasure (except children's carriages drawn by hand) over any sidewalk, so as thereby to cause any injury either to person or property of others or to obstruct the same and convenient passing of persons lawfully using the same or to injure or encumber any such sidewalk. No person shall stop his team, carriage or other vehicle or unnecessarily place any obstacle on any foot crossing made in and across any public ways in the town.

B. No person shall at any time ride, drive or lead a horse or team upon any sidewalk adjoining a town way. Whoever violates this section shall be subject to a penalty of twenty-five dollars (\$25.) for each offense.

§ 152-2. Obstructions in general.

No person shall leave any vehicle or material or place any obstruction in any sidewalk, street or public place without the permission of the Selectmen, or suffer the same to remain there after dark without maintaining guards over or near the same, or allow the same to remain after notice from a police officer, Constable or the Selectmen to remove the same.

§ 152-3. Awnings, canopies and signs over sidewalks restricted.

No person shall place or maintain over any sidewalk any awning, shade frame, canopy, sign or signboard without a permit from the Selectmen, but no such awning, shade frame, canopy, sign or signboard shall be less than seven (7) feet from the ground in the lowest part or extend beyond the limit of the sidewalk.

§ 152-4. Skating or coasting restricted.

No person shall skate or coast upon any sidewalk, any street or public place except at such times and upon such street as the Selectmen may by public notice designate for such purpose.

§ 152-5. Excavation requirements

[“Highway Surveyor” replaced by “Highway Superintendent” 10/28/2002 STM, Art 28].
No person other than a duly authorized officer or employee shall dig a trench or lay a pipe in or any way disturb the earth or materials on, in or under any street or public way without a permit in writing given by the Highway Superintendent upon application by said person made to said Superintendent, and whenever such a permit is so issued, said person shall, whenever a pipe, drain or any structure is placed in, along or under such a street or public way, file with said Highway Superintendent a plan of the same showing the location and elevation of such pipe, drain or other structure, said plan to be of such size and standard as said Highway Superintendent may require.

§ 152-6. Disturbance of the peace; placing of dangerous objects in the ways.

No person shall behave in a rude, indecent or disorderly manner or use any indecent, profane or insulting language in any public place or on any street or sidewalk in the town or near any dwelling house or other projection from any such house or other building to the annoyance or disturbance of any person; nor shall any person throw or drop in or upon any foot path, sidewalk or highway in the town any piece of wire, nail, metal, mineral or other material that might be a source of annoyance or danger to anyone lawfully passing over or using the same.

§ 152-7. Gates opening onto public ways prohibited.

No owner or occupant of property shall permit any gate leading to premises abutting on any public way in the town to swing outwardly upon said public way.

§ 152-8. Deposit of injurious materials prohibited.

No person shall throw or deposit in any manner upon any public way or in any public place or square in the town any article, substance or material which may prove injurious in any respect to the hoofs of animals, the tires of bicycles or the rubber tires of automobiles and other vehicles.

§ 152-9. Stopping of vehicles at direction of officer.

No person having the charge of a vehicle in any street shall neglect or refuse to stop the same as directed by a police officer.

§ 152-10. Litter, dirt and rubbish prohibited.

No person shall distribute or deposit advertising circulars, paper or other matter on the streets of the town or shall team hay, rubbish, ashes, liquid or other materials in such manner as to litter, pollute or injure the streets of the town, nor shall any person throw or deposit in any street or in any sidewalk ashes, dirt, rubbish or other refuse of any kind.

§ 152-11. Extinguishing or removing of safety lights prohibited.

No person shall, without proper authority, extinguish or remove any light placed to denote an obstruction or defect in a street or way.

§ 152-12. Graffiti and committing of nuisances prohibited.

No person shall make any figures or write any indecent or obscene words upon any fence, building or structure in any public place or commit a nuisance upon any sidewalk or against any tree, building or structure adjoining the same.

§ 152-13. Placement of rubbish or garbage.

No rubbish or garbage of any description shall be placed within six hundred (600) feet of any highway within the town limits without a permit in writing from the Board of Health.

ARTICLE II: Street Numbering
[Adopted 5-19-1986 ATM, Art. 44]

§ 152-14. Assignment of numbers.

Each parcel of land abutting an accepted public way, as defined by MGL C. 41, § 81-L, shall be assigned a number or numbers by the Board of Assessors or its designee(s).

§ 152-15. Petition procedure.

An owner or owners of a parcel of land to which access is gained via a private way or a so-called common drive may petition the Board of Assessors to number lots on the private way or common drive given the following:

- A. The petition is signed by a majority of the owners abutting the private way or common drive.
- B. A majority of the abutters name the private way or common drive. The name given may not include the terms "street" or "road" and may not be easily confused with an existing public way or commonly known private way or drive, as approved by the Planning Board.
- C. The abutters agree, at no expense to the town, to erect and maintain a suitable sign of the type commonly used as a street sign to be placed at a point visible from the private way's or common drive's access to the nearest public way.
- D. The abutters submit with the petition a plan delineating lot lines, the private way or common drive and the approximate locations of structures on the lots.
 - D. Said action on the part of the Town of Pepperell shall not imply any liability for services from the town to maintain or repair the private way.

§ 152-16. Request for numbers in subdivisions

Any applicant under the Subdivision Control Law, MGL C. 61, §§ 81K through 81GG, may request that the Board of Assessors assign street numbers to lots fronting on a proposed way or street.

Chapter 156

TAXATION

ARTICLE I

Nonpayment

§ 156-1. Authority.

§ 156-2. Right to deny, or revoke or suspend licenses or permits for nonpayment of taxes or assessments.

§ 156-3. Exclusions.

[HISTORY: Art. I, adopted 5-5-1997 Annual Town Meeting, Art. 23. Amendments noted where applicable.]

ARTICLE I: Nonpayment

[Adopted 5-5-1997 ATM, Art. 23]

§ 156-1. Authority.

This bylaw is adopted pursuant to the provisions of MGL C. 40, § 57, as amended.

§ 156-2. Right to deny, revoke or suspend licenses or permits for nonpayment of taxes or assessments.

- A. Any town board, officer or department with licensing or permit-granting authority may deny any application for, or revoke or suspend a building permit, or any local license or permit, including renewals and transfers for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of MGL C. 40, § 21D (noncriminal prosecutions), 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 not specifically excluded below.
- B. The procedure for denying application for, revoking or suspending such local license or permit shall be as set forth in MGL, C. 40, § 57, as amended.

- C. The Tax Collector shall annually furnish to each department, board or commission which issues licenses or permits (hereinafter referred to as the licensing authority), 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.
- D. 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 14 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 suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.
- E. 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.
- F. 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/her immediate family, as defined in MGL C. 268A, § 1, in the business or activity conducted in or on said property.

§ 156-3. Exclusions.

This chapter shall not apply to the following licenses or permits: open burning (MGL C. 48, § 13); bicycle permits (MGL c. 85, § II A); sales of articles for charitable purposes (MGL C. 101, § 33); children work permits (MGL C. 149, § 69); clubs, associations dispensing food or beverage licenses (MGL C. 140, § 21E); dog licenses (MGL C. 140, § 137); fishing, hunting, trapping license (MGL C. 131, § 12); marriage licenses (MGL C. 207, § 28); theatrical events, public exhibition permits (MGL C. 140, § 181); transfer station permits; yard sale permits.

Chapter 164

VEHICLES AND TRAFFIC

§ 164-1. Definitions

§ 164-2. Authority and duties of police.

§ 164-3. Sign signal and marking requirements.

§ 164-4. Display of unauthorized signs, signals and markings.

§ 164-5. Interference with signs, signals and markings.

§ 164-6. Location of bust stops.

§ 164-7. Obedience to signs and signals.

§ 164-8. Streets reserved for coasting.

§ 164-9. Zones of quiet.

§ 164-10. Parking regulations.

§ 164-11. Isolated stop signs.

§ 164-12. Drivers to report accidents.

§ 164-13. Prima facie responsibility for violation.

§ 164-14. Violations and penalties.

§ 164-15. Severability; repealer.

[HISTORY: Adopted as Art. X of the 1980 compilation. Amendments noted where applicable.]

§ 164-1. Definitions.

For the purpose of this chapter, the words and phrases used herein shall have the following meanings except in those instances where the context clearly indicates a different meaning:

BUS STOP - An area in the roadway set aside for the boarding of or alighting from and the parking of buses.

CROSSWALK - That portion of a roadway ordinarily included within the prolongation or connection of curblines and property lines at intersections or at any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.

EMERGENCY VEHICLE - Vehicles of the Fire Department, fire patrol, police vehicles, ambulances and emergency vehicles of federal, state and municipal departments or public-service corporations when the latter are responding to an emergency in relation to the Police or Fire Departments.

LANE - A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.

OFFICER - Any officer, any investigator, examiner or inspector of the Registry of Motor Vehicles, any Constable or special officer, provided that he has his badge of office displayed over his left breast and upon his outer garment.

OFFICIAL CURB MARKING - That portion of a curbing, the painting of which has been authorized by the Board of Selectmen and which complies with the standards of the Department of Public Works of the Commonwealth of Massachusetts and has the written approval of said Department.

OFFICIAL STREET MARKING - Any painted line, marking or marker placed in or upon any way by authority of the Board of Selectmen and which complies with the standards of the Department of Public Works and has the written approval of said Department.

OFFICIAL TRAFFIC SIGNS - All signs, markings and devices, other than signals, not inconsistent with this chapter and which conform to the standards prescribed by the Department of Public Works of the Commonwealth of Massachusetts and which are placed or erected by authority of a public body or official having jurisdiction for the purpose of guiding, directing, warning or regulating traffic.

PARKING - The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading or in obedience to an officer or traffic signs or signals or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

RAILROAD CROSSING - Any intersection of ways with a railroad right-of-way.

ROADWAY - That portion of a street or highway between the regularly established curblines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

STREET or HIGHWAY - The entire width between property lines of every way open to the use of the public for purposes of travel.

TAXICAB STANDS - An area in the roadway in which certain taxicabs are required to park while waiting to be engaged.

TRAFFIC CONTROL AREA - Any area along any way, other than an intersecting way, at which drivers are to be controlled by traffic control signals.

VEHICLE - Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

§ 164-2. Authority and duties of police.

- A. Officers to direct traffic. It shall be the duty of officers designated by the Chief of Police to enforce the provisions of this chapter. Such officers are hereby authorized to direct all traffic either in person or by means of visible or audible signals in conformance with the provisions of this chapter, provided that in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians, officers of the Police or Fire Department may direct traffic as conditions may require notwithstanding the provisions of this chapter.
- B. Police may close streets temporarily. The Chief of Police is hereby authorized to close temporarily any street or highway in an impending or existing emergency or for any lawful assemblage, demonstration or procession, provided that there is reasonable justification for the closing of such street.
- C. Police may prohibit parking temporarily. The Chief of Police is hereby authorized to prohibit temporarily parking on any street or highway or part thereof in an impending or existing emergency or for a lawful assemblage, demonstration or procession, provided that there is reasonable justification for such prohibition. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.
- D. Obedience to police. Drivers of vehicles shall comply with any lawful or reasonable order, signal or direction of any officer.
- E. Police to keep and use an accident record file. The police shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. As the accidents at any particular location become more numerous, the police shall study such accidents and inform the Selectmen of their findings and conclusions.
- F. Exemptions. The provisions of this chapter shall not apply to operators actually engaged in work upon a street or highway closed to travel or under construction or repair, to officers when engaged in the performance of public duties nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties when the nature of the work of any of these necessitates a departure from any part of this chapter. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

§ 164-3. Sign signal and marking requirements.

The Board of Selectmen is hereby authorized and, as to those signs and signals required hereunder, it shall be its duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, signals, markings and safety zones shall conform to the standards as prescribed by the Department of Public Works of the Commonwealth of Massachusetts. Sections 164-2B and C and 164-11 relating to parking shall be effective only during such time as a sufficient number of official signs are erected and maintained in each block designating the provisions of such sections and located so as to be easily visible to approaching drivers.

§ 164-4. Display of unauthorized signs, signals and markings.

It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic sign, signal, marking or device or which attempts to direct movement of traffic or which hides from view any official sign or signal. The Chief of Police is hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed, without notice.

§ 164-5. Interference with signs, signals and markings.

Any person who willfully defaces, injures, moves, obstructs or interferes with any official traffic sign, signal or marking shall be liable to a penalty not exceeding twenty dollars (\$20.) for each and every offense.

§ 164-6. Location of bus stops.

The location of all bus stops shall be specified by the Board of Selectmen.

§ 164-7. Obedience to signs and signals.

No driver of any vehicle shall disobey the instructions of any official traffic control sign, signal, marking, marker or legend unless otherwise directed by a police officer.

§ 164-8. Streets reserved for coasting.

- A. On those days when conditions are suitable for coasting, vehicular traffic is hereby prohibited from using certain streets or parts of streets during such time as official signs are erected indicating that such streets or parts of streets are reserved for coasting.
- B. The foregoing provisions shall not apply to drivers of vehicles having business within such reserved areas or to drivers of vehicles whose residences are within such reserved areas.

§ 164-9. Zones of quiet.

A. The Board of Selectmen may temporarily establish a zone of quiet upon any street where a person is seriously ill if requested to do so by the written statement of a least one (1) registered physician certifying to its necessity. Said temporary zone of quiet shall embrace all territory within a radius of two hundred (200) feet of the building occupied by the person named in the request of said physician. Said temporary zones of quiet shall be designated by the police by placing at a conspicuous place in the street a sign or marker bearing the words "Zone of Quiet."

B. No person operating a motor vehicle within any designated and signed zone of quiet shall sound the horn or other warning device of said vehicle except in an emergency.

§ 164-10. Parking regulations. [Amended 4-22-1981 ATM, Art. 23; 3-1-1982 STM, Art. 4] See also MGL C. 90, § 20A ½.

§ 164-11. Isolated stop signs.

Every driver of a vehicle or other conveyance approaching an intersection of ways where there exists facing him an official sign bearing the word "stop" and authorized by this section, said sign having, apart from this regulation, the written approval of the Department of Public Works, Commonwealth of Massachusetts, and such approval being in effect, shall, before proceeding through the intersection, bring such vehicle or other conveyance to a complete stop at such point as may be clearly marked by a sign or line, or if a point is not so marked, then at a place between the said stop sign and the nearer line of the street intersection.

§ 164-12. Drivers to report accidents.

The driver of any vehicle involved in an accident resulting in the injury or death of any person or property damage to an apparent total extent of one hundred dollars (\$100.) or more shall, within twenty-four (24) hours, make a full and complete report in writing of such accident to the police headquarters in this town. A driver who has been incapacitated as a result of such accident and to such extent as to make reporting impossible or unfavorable to his recovery shall not be required to report such accident until he has recovered sufficiently to be able to do so. The reports shall be made on a form furnished by the Police Department, copies of which shall be available at the police station. Compliance with this section, however, shall not relieve such driver from the additional responsibility of reporting to the Registrar of Motor Vehicles any accident in which a person is killed or injured.

§ 164-13. Prima facie responsibility for violation.

If any vehicle is found upon any street or highway in violation of any provisions of this chapter and the identity of the driver cannot be determined, the owner or the person in whose name such vehicle is registered shall be held prima facie responsible for such violations.

§ 164-14. Violations and penalties.

Any person violating any provisions of any rule, regulation or order regulating the parking of motor vehicles made by anybody authorized to make same shall be dealt with as provided in Chapter 176 of the Legislative Acts of 1935, amending MGL C. 90, § 20A, and any person violating any of the rules and regulations applicable to state highways made by the Department of Public Works, Commonwealth of Massachusetts, under authority of MGL C. 85, § 2, shall be subject to the penalty provided in such rules and regulations. Any person convicted of a violation of any rule, regulation or order made hereunder, except as otherwise provided, shall be punished by a fine of not exceeding twenty dollars (\$20.) for each offense.

§ 164-15. Severability; repealer.

- A. These rules are adopted with the intent that each of them shall have force and effect separately and independently of every other except insofar as by express reference or necessary implication any rule or any part of a rule is made dependent upon another rule or part thereof.
- B. The provisions of these rules, so far as they are the same in effect as those of any existing valid rules, orders or regulations heretofore made by the Board of Selectmen of Pepperell relative to or in connection with official signs, lights, markings, signal systems or devices, shall be construed as a continuation thereof, but all other existing rules, orders and regulations so made for the regulation of vehicles are hereby expressly repealed. This repeal, however, shall not affect any punishment or penalty imposed or any complaint or prosecution pending at the time of the passage hereof for an offense committed under any of the said valid rules, orders or regulations hereby repealed.

Chapter 165

VEHICLES, OPERATION OF

§ 165-1. Restrictions; penalties.

[HISTORY: Adopted 4-21-1987 Annual Town Meeting, Art. 17. Amendments noted where applicable.]

§ 165-1. Restrictions; penalties.

Whoever shall cause a motor vehicle of every kind and description and whatever number of wheels, excluding manually powered bicycles, tricycles and carts, without license from the town, to enter upon a town recreation field, ballfield, Town Common and lawn or playground shall be fined in the amount of fifty dollars (\$50.) for the first offense and three hundred dollars (\$300.) for each subsequent offense.

Chapter 166

VEHICLES, UNREGISTERED

§ 166-1.Storage and parking restricted.

§ 166-2.Special permits.

§ 166-3.Exceptions.

§ 166-4.Violations and penalties.

§ 166-5.Permit fee.

[HISTORY: Adopted as Art. VII, Sec. 15, of the 1980 compilation. Amendments noted where applicable.]

§ 166-1. Storage and parking restricted.

No person shall store or park or permit to be stored or parked on any premises within the town an unregistered motor vehicle which is and for the immediately preceding thirty-day period has been disabled, dismantled or inoperative unless said vehicle is enclosed within a building.

§ 166-2. Special permits.

- A. A special permit to store or park an unregistered motor vehicle as described above on any premises not within an enclosed building may be granted by the Board of Selectmen if it finds that such keeping complies with the general purpose and intent of this chapter, will not adversely affect the neighborhood and will not be a nuisance.

B. All such special permits granted shall limit the number of unregistered motor vehicles to be kept on the premises by the permit holder and shall be limited to a reasonable length of time.

§ 166-3. Exceptions.

The provisions of the above shall not apply to motor vehicles designed and used for farming purposes, to landowners or tenants who store or park vehicles out of sight of abutters and which cannot be seen from public ways used by the public, to persons and firms legally operating a commercial automotive or trucking enterprise, nor to persons of firms in lawful exercise of licenses granted under MGL C. 140, §§ 58 and 59, as amended.

§ 166-4. Violations and penalties. [Amended 10-27-1994 STM, Art. 31]

Whoever violates any provision of this chapter shall be liable to a penalty of not more than ten dollars (\$10.) per week per vehicle for each week of violation, commencing ten (10) days following the date of receipt of written notice from the Board of Selectmen.

§ 166-5. Permit fee.

Fee for a special permit shall be one dollar and fifty cents (\$1.50).

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PREFACE TO THE ORIGINAL EDITION

Located on the beautiful northern regions of Massachusetts, the Town of Pepperell has passed through the struggles that characterize all American communities in their early history. While only a few simple laws were necessary at the time of the incorporation of the town, subsequent growth of the community, together with the complexity of modern life, has created the need for more and detailed laws for the proper function and government of the town. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. They must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the following codification of bylaws and rules and regulations was ordered.

Contents of Code

The Code contains the bylaws adopted by the Town Meeting as well as the rules and regulations adopted by the Board of Selectmen and the Planning Board. Also contained in the Code are rules and regulations adopted by other boards or persons authorized to do so by statute or town law.

Division of Code

The Code is divided into three major parts, known as "Divisions." Division 1 contains the bylaws adopted by the Town Meeting. This Division is further broken down into Parts I and II. Part I, Administrative Legislation, contains all bylaws of an administrative nature, namely, those dealing with the administration of government, those establishing or regulating municipal departments and those affecting officers and employees. Part II, General Legislation, contains all bylaws of a regulatory nature. Bylaws in this part generally impose penalties for violation of their provisions, whereas those in Part I do not. Division 2 contains the regulations promulgated by the Board of Selectmen. Division 3 contains other miscellaneous regulations, such as those adopted by the Planning Board.

Grouping of Legislation and Arrangement of Chapters

The bylaws and other rules and regulations are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more ordinances dealing with the same subject, they are combined into a single chapter. Thus, for example, all bylaws dealing with sewers may be found in the chapter entitled "Sewers." In such chapters, use of Article designations has preserved the identity of the individual items of legislation.

Table of Contents

The Table of Contents details the arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more bylaws or rules and regulations have been combined by the editors into a single chapter, titles of the several

Articles are listed beneath the chapter title in order to facilitate location of the individual enactments.

Reserved Chapters

Space has been provided in each Division of the Code for the convenient insertion, alphabetically, of later enactments. In the Table of Contents, such space appears as chapters titled "(Reserved)." In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

Pagination

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals "01." Thus, Chapter 6 begins on page 601, Chapter 116 on page 11601, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters and to insert new chapters without affecting the existing organization.

Numbering of Sections

A chapter-related section-numbering system is employed, in which each section of every ordinance is assigned a number which indicates both the number of the chapter in which the legislation is located and the location of the section within the chapter. Thus, the first section of Chapter 16 is § 16-1, while the sixth section of Chapter 200 is § 200-6.

Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

Chapter Histories

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific legislative source from which the chapter was derived and date of adoption. In the case of chapters containing Articles derived from more than one item of legislation, the source of each Article is indicated in the History.

General References

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters.

Appendix

Certain forms of local legislation do not fall into the categories established for Divisions 1 through 3 of the Code but are of such significance that their application is community wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the municipality may wish to include.

Index

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index should be supplemented and revised from time to time as new legislation is added to the Code.

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New ordinances and amendments will be included and repeals will be indicated as soon as possible after passage.

Statutory References

References to the Massachusetts state laws used in this Code are to the Annotated Laws of Massachusetts, Tercentenary Edition.

Acknowledgment

The Editor wishes to acknowledge the interest, enthusiasm and assistance of those town officials who helped make this Code a reality; in particular, Executive Secretary John D. Petrin, Town Counsel Joseph Hannon, Esq., former Town Clerk Ann W. Sullivan and current Town Clerk Lois Libby.

The codification of bylaws and rules and regulations of the Town of Pepperell reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this Code will contribute significantly to the efficient administration of local government. As Daniel Webster observed, "The law: It has honored us; may we honor it."