

GENERAL BY-LAWS

of the

TOWN OF SHREWSBURY

Together with

TOWN MEETING ACT

TOWN MANAGER ACT

AND

ACTS OF THE LEGISLATURE ACCEPTED

BY THE TOWN

ATTEST:

**Sandra E. Wright
Town Clerk**

Amended through May 22, 2019

BY-LAWS

The term "by-law" goes back to that period of early English History during the Danish invasion. When the Danes acquired possession of an area, the township therein was often called a "by", and as the Danes established laws of their own, they were called by-laws or town laws.

FOREWORD

General By-laws and Legislative Acts which have been voted by the town are contained herein. Also included in this publication are the two acts passed by the legislature in 1953 and accepted by the town which radically altered the structure of town government. These acts, chapter 553 and 559, provide for a town manager and a representative town meeting form of government.

Zoning By-Laws and Subdivision Regulations are published separately. Building Codes, Job Classification and Personnel By-laws are likewise contained in other publications. Also omitted from this compilation are regulations issued by the various town boards and departments. For example, the Board of Health has issued regulations relative to food handling and inspection; the Selectmen have adopted and published traffic rules and orders.

These by-laws have been approved by the Attorney General and published or posted in accordance with statutory requirements. The first edition was published in March, 1943; the second in January, 1963; the third in December, 1973. This fourth edition was published in February, 1990.

AMENDMENTS THROUGH MAY 22, 2019

ATTEST:

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ARTICLE 1

REPRESENTATIVE TOWN GOVERNMENT

SECTION 1. For the purpose of electing town meeting members in accordance with the provisions of Chapter 553 of the Acts of 1953, providing for the establishment in the Town of Shrewsbury of representative town government by limited town meetings, the Town shall be divided into six or more precincts.

SECTION 2. In December of 1960, and every four years thereafter, the Town Clerk shall certify to the Selectmen the number of residents at the time of the past Town census, and the Selectmen shall thereupon determine and certify to the Town Clerk the number of representatives for each precinct.

There shall be elected two hundred forty (240) town meeting representatives, who shall be elected by precinct. Each precinct shall be represented in the town meeting by that number of elected representatives which shall bear the same proportion to the total elected membership as the number of residents in the precinct bears to the total number of residents in the town based upon the last preceding town census, as nearly as may be.

SECTION 3. In order to determine the number of representatives for each precinct, the total number of residents as certified by the Town Clerk to the Selectmen shall be divided by the total number of town meeting representatives, or two hundred forty (240). The number which results, rounded to the nearest whole number, shall then be divided into the number of residents in each precinct as reported by the Town Clerk. The whole number which results shall be the preliminary number of representatives for each precinct. The preliminary number of representatives for each precinct shall be added, and, if such number is less than two hundred forty (240), the total shall be subtracted from two hundred forty (240). The result shall be the number of additional representatives which shall be allocated among the precincts by determining the numerical/decimal remainders above their whole numbers and by allocating an additional representative in descending ranking order to those precincts which have the largest remainders until the total number of two hundred forty (240) is reached. In the event of a mathematical tie for the final representative seat, it will be awarded to one of the tied precincts after random selection by the Board of Selectmen.

Adopted	Dec. 7, 1953	Sec.2,3;	Amended Feb. 3, 1986
Sec.2,3,4;	Amended Dec. 3, 1956	Sec.2,3;	Amended Feb. 2, 1993
Sec.2,3;	Amended Dec. 27,1960	Sec.2,3;	Amended Feb. 25,1997
Sec.3;	Amended Oct. 23, 1961	Sec.2,3	Amended Jan. 29,2001
Sec.2;	Amended Mar. 24,1969	Sec.2,3	Amended Feb. 11,2002
Sec.2;	Amended Dec. 18, 1972	Sec.2,3	Amended Feb. 23,2005
Sec.2,3;	Amended Feb. 7, 1977	Sec.2,3	Amended Feb. 26,2009
Sec.1;	Amended Jan. 11, 1978	Sec. 2,3	Amended Feb. 24, 2011
Sec.2,3;	Amended Jan. 19, 1981	Sec. 4	Deleted Sept. 23, 2017

ARTICLE 2

TOWN MEETINGS AND THE PROCEDURE THEREAT

SECTION 1. The annual meeting of the registered voters of the several precincts for the election of town officers and for voting upon any questions to be submitted to all the registered voters of the town shall be held on the first Tuesday of May in each year at such time and place or places as the Selectmen shall direct in the warrant for such meetings. All other articles in the warrant for the annual meeting shall be acted upon and determined exclusively by town meeting members at a meeting to be held on the third Monday of May at such time and place as the Selectmen may determine, but not earlier than 7:00 o'clock P.M. The terms of office of all elected incumbents which are to expire at the Annual Town Election in 1974 shall continue until the election and qualification of their successors at the May, 1974, town election in accordance with section 107 of Chapter 41, of the General Laws.

SECTION 2. Notice of every town meeting shall be given by posting an attested copy of the warrant at the Municipal Office Building in Shrewsbury and at the Post Office located at 180 Boston Turnpike (Route 9) within the time prescribed in Chapter 39 of the General Laws. If by reason of fire or otherwise it shall be impossible or impracticable to post such copies, then the same shall be posted at the site of the Municipal Office Building or at the Post Office in Shrewsbury Center. Notices shall be sent by the Town Clerk to town meeting members of the time and place at which the representative town meetings are to be held, such notices to be sent by mail at least seven days before the meeting.

SECTION 3. Special Town Meetings shall be called on any day not earlier than 7:00 o'clock P.M., except that on Saturday they may be called not earlier than two o'clock P.M.

SECTION 4. At any representative town meeting no person other than a representative town meeting member shall be admitted to that section of the hall designated by the Moderator as reserved for such members, provided, however, that the Moderator may allow other persons to occupy said section. All meetings shall be open to the public and to the press. A record shall be kept by the Town Clerk, or the acting clerk, of the members present at the meeting, and this record, together with the record of the business transacted at the meeting, shall be a public record and be available to the public.

SECTION 5. Printed copies of the Warrant shall be made available to the voters at the annual town meetings.

SECTION 6. Articles for the warrant shall be acted upon in the order in which they appear on the warrant. An article may be acted upon before or after its regular order by vote of a majority of the town meeting members present and voting thereon. No article in the warrant shall at any representative town meeting finally be disposed of by a vote to lay upon the table, indefinitely to postpone, or to take no action thereunder. The Moderator may, however, upon the

advice of the Town Counsel, declare any article to be illegal and decline to put it to the meeting for action.

SECTION 7. No motion to adjourn any town meeting, except a motion to adjourn to a stated time, shall be in order until every article in the warrant has been considered and acted upon or otherwise disposed of.

SECTION 8. No person shall speak more than twice on any question, except to answer an inquiry or give information requested without first obtaining leave of the meeting, and then not until others who have not spoken upon the question and desire to do so have had an opportunity to speak.

SECTION 9. All committees shall be appointed by the Moderator unless otherwise specially directed by the meeting and all committees so appointed shall report at the time stated in the motion. If a committee does not report at the time directed or not later than the next Annual Town Meeting, it shall be considered discharged. The Moderator shall not be a member of any committee appointed by him.

SECTION 10. All votes on motions including those that require two-thirds (2/3) shall be taken in the first instance by a voice vote; if the Moderator is in doubt, he may call for a standing vote; or if the vote as declared by the Moderator is immediately questioned by seven of the Town Meeting members present, the vote may be taken by ballot vote provided that two-thirds (2/3) of the Town Meeting members present and voting thereon vote that a secret ballot be used. A vote by secret ballot may be taken in the first instance by motion to that effect duly made and adopted by two-thirds (2/3) of the Town Meeting members present and voting thereon.

SECTION 11. The Moderator may decline to put motions obviously frivolous, or which may be declared illegal by the Town Counsel. Any motion shall be presented in writing if the Moderator requests. The Moderator shall be governed in his rulings by the provisions of this article. In matters not provided for, herein or otherwise provided by law, the procedure shall be as outlined in Cushing's Manual, so far as applicable.

SECTION 12. Ballot voting shall be under the direction of the Town Clerk, if present, or otherwise the Acting Clerk, and officially designated tellers appointed by him or the Acting Clerk.

Adopted	Dec. 11, 1920	Sec. 1, 2, 3;	Amended May 17, 1999
Sec.1;	Amended Feb. 11,1946	Sec. 1;	Amended May 19, 2005
Sec.1;	Amended Apr. 4, 1955	Sec. 10;	Amended Oct. 18, 2005
Sec.1 thru 12;	Amended Feb 16, 1959		
Sec. 1	Amended May 21, 1973		
Sec.10;	Amended Jan. 26, 1976		
Sec. 2;	Amended Jan. 11, 1978		

ARTICLE 3

FINANCE COMMITTEE

SECTION 1. There shall be a Finance Committee consisting of nine voters of the Town, no one of whom shall be the holder of any other elective or appointive town office or position other than Town Meeting Member. The members of this committee shall be sworn to the faithful performance of their duties.

SECTION 2. The Finance Committee shall be appointed by the Moderator. The Moderator elected at the annual town meeting in 1955 shall appoint five members of said Committee, three of whom shall be appointed for a term of three years, one for a term of two years, and one for a term of one year. The Moderator shall, not later than June 30th of each year, appoint three members of said Committee to serve for a term of three years.

The term of office of said members shall commence on July 1st of the year of their appointment. Not later than July 31st of each fiscal year, the Committee shall meet and choose its Chairman, Vice Chairman and Clerk for such fiscal year. In the event of any vacancy in the membership of the Committee, the Moderator, within thirty (30) days following the creation of such vacancy shall appoint a successor to serve for the remainder of the term.

SECTION 3. The Finance Committee shall consider matters relating to the appropriation, the borrowing and the expenditure of money by the Town, its indebtedness, the methods of administration of its various offices and departments, property valuation and assessments, and other municipal affairs and may make recommendations to the Town or to any town board, officer or committee relative to such matters.

SECTION 4. The Finance Committee shall duly consider the annual budget prepared by the Town Manager and may confer with said town boards, officers, and committees and may hold hearings if they deem it advisable. The Committee shall thereupon approve or disapprove the amount, in whole or in part, of the appropriation so requested. The Committee shall furnish to the Selectmen on or before May 1st of each year, a report of the matters so considered by it, with recommendations or suggestions relative thereto, and the same shall be printed and ready for distribution at the annual Town Meeting. Report of the Finance Committee as published in the Town Report shall contain a statement of the doings of the Committee during the year, with such recommendations and suggestions as it may deem advisable on any matter pertaining to the welfare of the Town.

SECTION 5. Articles in town warrants involving the appropriation of money shall be considered by the Finance Committee, who shall approve or disapprove the same in whole or in part, and shall make report to the voters with such recommendations or suggestions as the Finance Committee shall deem advisable.

Adopted	Dec. 11, 1920	Sec.2;	Amended May 21, 1973
Sec.4;	Amended Feb. 3, 1943	Sec.1 thru 5;	Amended May 27, 1975
Sec.1&2;	Amended Apr. 4, 1955	Sec. 4	Amended Sept.26, 2006

ARTICLE 4

TOWN BOARDS AND DEPARTMENTS

4-A TOWN BOARDS AND OFFICERS IN GENERAL

SECTION 1. No contract for labor, or for labor and materials, involving the creation of an obligation against the Town exceeding the sum of Fifteen Hundred Dollars, shall be binding upon the Town, unless it is in writing and is signed by at least a majority of the entire board or committee in charge of the work on the part of the Town. Every such contract shall be accompanied by a suitable bond, with sureties, for the faithful performance of the same, or by deposit of money or security in lieu of such bond.

SECTION 2. No board or officer shall make any contract in behalf of the Town, the execution of which shall necessarily extend beyond one year from the date thereof, unless special permission so to do has been given by vote of the Town.

SECTION 3. All town boards, officers and committees shall file with the Board of Selectmen their annual reports on or before January tenth of each year.

SECTION 4. All town officers, boards and committees shall present their annual financial reports to the Town Auditors for audit before the same are delivered to the Board of Selectmen.

Adopted Apr. 12, 1921

4-B BOARD OF HEALTH

The Board of Health shall annually make a report to be printed in the Annual Town Report, showing the statistics of the health and sanitary condition of the Town, with recommendations for its improvement, together with statement of its work and that of its appointees, during the previous year; such report shall also contain a statement of the amounts expended by the Board during the fiscal year.

Adopted Apr. 12, 1921

4-C TOWN ACCOUNTANT

SECTION 1. Voted "to instruct the Selectmen to petition the Director of Accounts for the installation of an accounting system in accordance with Section 35, Chapter 44 of the General Laws."

SECTION 2. Voted "that the Selectmen be authorized to appoint a Town Accountant in accordance with the provisions of Section 55, Chapter 41 of the General Laws and thereupon that the office of Auditor be abolished and all appropriations hitherto made for the Auditor be transferred to the account of the Town Accountant."

Sec.1 Adopted; Dec. 18, 1942

Sec.2 Adopted; Feb. 8, 1943

4-D TOWN COUNSEL

SECTION 1. The Board of Selectmen shall, annually on or before the first day of July, and whenever a vacancy shall exist, choose some competent lawyer to act as Town Counsel, who shall be paid such remuneration as they may determine.

SECTION 2. The term of office of said Counsel shall begin on the first day of July of each year and shall continue until the election and acceptance of his successor.

SECTION 3. The Town Counsel shall draft all bonds, deeds, leases, obligations, conveyances, and other legal instruments, and do every professional act which may be required by him by vote of the Town or any Board of town officers. Also when required by said boards or any committee of the Town, he shall furnish a written opinion on any legal question that may be submitted to him in regard to any matter which concerns the Board or committee requesting the opinion, and he shall at all times furnish legal advice to any officer of the Town who may require his opinion upon any subject concerning the duties incumbent upon such officer by virtue of his office.

SECTION 3A. The Town Counsel, with the advice and consent of the selectmen, shall have the power and authority to begin and prosecute any action at law or in equity deemed necessary for the protection of the interests of the town.

SECTION 4. He shall have charge of all suits brought by the Town, and shall appear before any court in the Commonwealth in defense of all actions or suits brought against the Town or its officers in their official capacity.

SECTION 5. Immediately upon being notified by the Chief of Police or Superintendent of Streets, or upon the receipt of notice from any other source, of injury to person or property under circumstances which may give rise to a claim for damages against the Town, the Town Counsel shall make a careful and complete investigation of all the facts relative thereto, and in case of injury to a person, he shall, if it seems practicable, immediately cause a physical examination of the injured person to be made by the Town Physician and such further examination as he sees fit. Within ten days after the claim for damages for any cause has been received by the Town Counsel he shall make a written report to the Selectmen of the nature and circumstances of the claim, together with such recommendations regarding the same as he deems advisable.

SECTION 6. The Town Counsel shall prosecute in the local district court all cases for violation of the by-laws of the Town.

SECTION 7. He shall annually make a written report to the Selectmen, to be printed in the Annual Town Report, concerning the professional services rendered by him during the preceding year; said report shall contain a statement of each case which has been settled, tried, or otherwise disposed of by him during the year; and also a statement of each case which is still pending and the status of the same, together with such other information and recommendations as he may deem advisable.

Adopted
Sec.3A;

Apr. 12, 1921
Amended Feb. 12, 1945

Sec.1 & 2; Amended Sept.30, 1974

4-E MUNICIPAL LIGHT DEPARTMENT

SECTION 1. The department of electric wires and street lights shall be in charge of an Inspector who shall be the Manager of the Municipal Light Department and who shall be appointed by the Municipal Light Board on or before March 1st of each year. He shall hold office until another is appointed in his place. The Light Board may at any time remove him for cause. He shall keep a record of the business of his department, and submit to the Selectmen in time for publication in the Annual Town Report a yearly report of such business.

SECTION 2. He shall have supervision of all electric and other wires erected in, upon, over or under any street or building, and of all poles supporting wires or lamps and street-lights, and shall require all persons and corporations owning or operating wires to conform to the conditions and requirements of Chapter 166 of the Acts of the Legislature of the year 1895 or acts in amendment thereto.

SECTION 3. He shall by virtue of his office be the Superintendent of Fire Alarm, Telegraph and Police Signal Systems, and all other electric wire systems now or hereafter owned by the Town.

SECTION 4. He may, with the approval of the Light Board, appoint and remove such assistants as may be necessary for the work to be done, permitted by the appropriation.

SECTION 5. Any person or corporation operating electric or other wires within the town shall, upon request of the Inspector, furnish him with such information as may be necessary to the faithful and effectual discharge of his duties under this By-Law.

SECTION 6. The Inspector shall have access at all reasonable times to all wires, appliances, and apparatus in the interior of a public building or on private premises, which are intended for carrying an electric light or power current, and no person shall arrange, affix, or change any such wires or apparatus without giving the Inspector reasonable opportunity to inspect such wires and their arrangement and fixtures before the same are covered or enclosed; and no person shall place such wires in any building in process of construction or alteration until all gas, steam, sewer, water, and furnace pipes have been placed in proper position, without the permission of the Inspector. No person shall connect such wires in the interior of buildings and on private premises with an outside circuit which crosses or runs along, over or under any street or way of the town, without written permission therefor having been first obtained from the Inspector.

SECTION 7. No person or corporation shall attach any wire or line for the transmission of electricity for any purpose, except the lines and wires of the Town of Shrewsbury, to any post, except on his own premises or upon other lands with the consent of the owner thereof, nor insert the same into any underground conduit, except with the consent of the owner, and by the approval of the Municipal Light Board.

Adopted Apr. 12, 1921

4-F TOWN TREASURER AND COLLECTOR

SECTION 1. The Selectmen shall appoint a Town Treasurer who shall also act as Collector of Taxes. Appointment shall be for a three-year period, or until a successor is appointed and qualifies, except that the first appointment shall be for the period beginning with the annual election of officers in 1960, and ending on the first Monday in March, 1962. Thereafter appointments shall be made on or before the first Monday in March in each third year.

SECTION 2. The treasurer shall be a person especially fitted by education or training and by previous experience in finance or accounting.

SECTION 3. The town treasurer may be removed by the Selectmen for cause, after such notice and hearing as they may deem advisable.

SECTION 4. In the event of a vacancy in the office of the town treasurer the Selectmen shall appoint a successor to hold such office until the expiration of the term for which the original appointment was made.

SECTION 5. The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the town, with all the powers and duties provided in General Laws, Chapter 41, Section 38A, which statute is hereby accepted and made a part of this bylaw. The Town Collector shall have the further right to call for all such accounts and examine the records of any officer or department deemed necessary for the full performance of the duties of the office.

SECTION 6. The Town Collector shall pay all fees received by him by virtue of his office into the Town Treasury.

Originally Adopted Feb. 14, 1944
Sec.1-5; Adopted Nov. 9, 1959

Sec.6; Adopted Jun. 22, 1971
Sec.1-5; Amended Jan. 8, 1990

4-G FIRE DEPARTMENT

The regular hours of duty of the members of the Fire Department of the Town of Shrewsbury, other than the hours during which such members may be summoned and kept on duty because of conflagration or other personnel requirements of the Department, shall be a yearly average of 48 hours per week. If any member of the Fire Department shall be required to be on duty for any period in excess of his regular hours of duty established pursuant to this by-law, he shall be given time off equal to such periods of overtime duty, or, if time off cannot be given by reason of personnel shortage or other cause, he shall be paid for such period of overtime duty at one and one-half times the hourly rate of his regular compensation for his average weekly hours of regular duty, or at the call fire fighter rate, whichever is higher.

Any member of the regular Fire Department shall reside and continue to reside during his employment within fifteen miles of the limits of the Town of Shrewsbury. Said distance shall be measured from the closest border limits of the Town of Shrewsbury to the closest border limits of the city or town in which said member resides.

Adopted; Jan. 9, 1956	Amended; Mar. 17, 1969
Amended; Apr. 2, 1956	Amended; Mar. 15, 1971
Amended; Mar. 21, 1966	2nd Paragraph Adopted; May 17, 2006

Voted Mar. 5, 1973 to accept M.G.L. Ch. 48, Sec. 58D (42 hour/Week)

4-H HISTORIC DISTRICT COMMISSION

SECTION 1. There is hereby established an Historic District Commission under the provisions of the "Historic Districts Act", General Laws, Chapter 40C, consisting of seven members appointed by the Board of Selectmen, including one member, where possible, from two nominees submitted by the Shrewsbury Historical Society or the Society for the Preservation of New England Antiquities; one member, where possible, from 2 nominees of the Massachusetts state chapter of the American Institute of Architects; and one member, where possible, from two nominees of the Board of Realtors covering Shrewsbury. One or more shall, where possible, be a resident of an Historic District established in Shrewsbury pursuant to the Historic Districts Acts. When the Commission is first established, two members shall be appointed for a term of one year; two members shall be appointed for a term of two years, and three shall be appointed in like manner for three years, and their successors shall be appointed in like manner for terms of three years.

SECTION 2. There is hereby established an Historic District under the provisions of the Historic Districts Acts, General Laws, Chapter 40C. Said District is shown on a plan entitled, "Proposed Historic District, Shrewsbury, Massachusetts - Scale: 1"=100", September, 1972, Shrewsbury Engineering Department." In addition the following property shall be included within a Historic District: Main Street - Assessors Tax Plate 23, Parcel 137.

SECTION 3. The Historic District Commission shall have all the powers and duties of Historic District Commissions as provided by the Historic Districts Act, General Laws, Chapter 40C, and of subsequent amendments thereto.

SECTION 4. The Historic District Commission shall adopt rules and regulations for the conduct of its business not inconsistent with the provisions of the Historic Districts Act, General Laws, Chapter 40C, and may, subject to appropriation, employ clerical and technical assistants or consultants and may accept money gifts and expend same for such purposes.

SECTION 5. In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

SECTION 6. The authority of the Historic District Commission shall not extend to the review of any of the following categories of buildings, structures, or exterior architectural features in the Historic District established by Paragraph 2, above:

- (a) Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify;
- (b) Terraces, walks, driveways, sidewalks and similar structures, or any one or more of them, provided that any such structure is substantially at grade level;
- (c) Storm doors and windows, screens, window air conditioners, lighting fixtures, antennae and similar appurtenances, or any one or more of them;
- (d) Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one sign in connection with the nonresidential use of each building or structure which is not more than twelve square feet in area, consisting of letters painted on wood without symbol or trademark and if illuminated is illuminated only indirectly; or either of them.
- (e) The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

SECTION 7. Unanimously voted that the Town delegate the powers and duties of an Historical Commission to the Historic District Commission.

Adopted Oct. 2, 1972
Sec.2; Amended May 27, 1975

Sec. 7; Adopted June 14, 1976

4-I POLICE DEPARTMENT

** The regular hours of duty of the members of the Police Department of the Town of Shrewsbury shall not exceed a yearly average of 37-1/3 hours per week except in the case of public emergency or of any unusual demand for the services of the Police in town. The hours of duty and the time and manner of excusing members of the Police Department shall be determined by the Chief of Police, and a member so excused shall, except as above provided, be exempt from duty and from attendance at a police station or other place, but otherwise shall be subject to all laws, rules and regulations relating to members of the Police Department of the Town of Shrewsbury. In the event that a member is required to work in excess of 40 hours in any one week compensatory time off shall be granted to him as soon thereafter as possible.

Any regular police officer in the service of the Town of Shrewsbury who shall be required to be on duty for any period in excess of his regular hours of duty as from time to time established, shall be given time off equal to such period of overtime duty, or, if time off cannot be given by reason of personnel shortage or other cause, he shall be paid for such period of overtime duty at * one and one-half times the hourly rate of his regular compensation for his average weekly hours of regular duty, as authorized by the provisions of General Laws, Chapter 147, Section 17c as amended by Acts of 1956, Chapter 349.

Any member of the regular Police Department shall reside and continue to reside during his employment within fifteen miles of the limits of the Town of Shrewsbury. Said distance shall be measured from the closest border limits of the Town of Shrewsbury to the closest border limits of the city or town in which said member resides.

1st Paragraph Adopted Apr. 2, 1956
2nd Paragraph Adopted Oct. 15, 1956
* Amended Mar. 15, 1971

** Amended May 21, 1973
3rd Paragraph Adopted May 17, 2006

4-J WATER DEPARTMENT

ASSESSMENTS

Special assessments may be levied to meet the whole or part of the cost incurred of laying pipes in public and private ways for the conveyance or distribution of water to the inhabitants of the town of Shrewsbury. An owner of land which receives benefit from the laying of water pipes in public or private ways upon which his land abuts shall pay such proportionate part of the cost, not already assessed, of extending such water supply to his land as may be determined by the Board of Selectmen. The amount to be charged against each parcel of land receiving such benefit shall include the cost of pipes and other material and of the labor in laying them and other expenses incidental thereto and shall be ascertained, assessed and certified by the Board of Selectmen of the Town of Shrewsbury.

Assessment for the cost of providing and laying water pipes in public and private ways shall be made upon the several parcels of land receiving benefit from the laying of such pipes by a fixed uniform rate based upon the estimated average cost of all the water pipes therein and the laying thereof, according to the frontage of such land on any way on which a water pipe is laid.

Whenever the Town votes to lay water pipes in public and private ways, and to make assessments for the construction of such improvement, the Board of Selectmen shall forthwith cause to be recorded in the Worcester District Registry of Deeds a statement of the vote adopted by the Town specifying the ways in which such water pipes are to be laid, and the estimated assessment per foot of frontage of land abutting thereon. No assessment shall be levied in excess of the benefit to the land assessed from the laying of the water pipes for which the assessment is levied or in excess of the estimate as recorded in the Registry of Deeds. The Board of Selectmen may extend the time of payment of the assessment in accordance with the provisions of General Laws, Chapter 80, and if the order for assessment is upon land not built upon, shall extend the time of payment of the assessment and interest thereon at the rate of 4% per annum until said land is built upon or for a fixed time, and the assessment and interest shall be paid within three months after such land is built upon or at the expiration of such fixed period.

Adopted Apr. 2, 1956

4-K PARK COMMISSION

GIFTS AND EXPENDITURES

The Park Commission is hereby authorized to accept gifts and grants from the Federal Government, from charitable corporations, from a private corporation, or from an individual. Such sums as may, from time to time, be received, shall be deposited with the Town Treasurer and held as a separate account.

The Park Commission may, with the approval of the Selectmen, expend funds from the said account for any purpose it is otherwise authorized to perform without further appropriation.

Adopted Mar. 20, 1972

4-L COUNCIL ON AGING

There shall be a council on aging consisting of not less than three nor more than seven members who shall be registered voters of the Town and who shall be appointed by the Town Manager for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in coordination with programs of the Commission on Aging established under Section 73 of Chapter 6 of the General Laws of Massachusetts.

Adopted Oct. 2, 1972

4-M TOWN CLERK

SECTION 1. The Selectmen shall appoint a Town Clerk. Appointment shall be for a three-year period, or until a successor is appointed and qualified, except that the first appointment shall be for the period beginning with the annual election of officers in 2006, and ending on the first Monday in March, 2009. Thereafter appointments shall be made on or before the first Monday in March in each third year.

SECTION 2. The town clerk shall be a person especially fitted by education or training in public or business administration and by previous experience in work associated with local government record keeping and/or elections.

SECTION 3. The town clerk may be removed by the Selectmen for cause, after such notice and hearing as they may deem advisable.

SECTION 4. In the event of a vacancy in the office of the town clerk the Selectmen shall appoint a successor to hold such office until the expiration of the term for which the original appointment was made.

SECTION 5. The town clerk shall exercise all powers and undertake all duties and responsibilities as set forth in General Laws, Chapter 41 or any other Chapter relating to the duties and responsibilities normally associated with that of an elected town clerk except as modified by this Article.

SECTION 6. The town clerk shall pay all fees received by virtue of the office into the Town Treasury.

Adopted May 19, 2004

ARTICLE 5

DISPOSAL OF OBSOLETE EQUIPMENT, ETC.

The Town Manager shall have the authority to sell or otherwise dispose of old, worn-out or obsolete equipment, disused material and junk in all departments and activities of the Town under his supervision and for all departments and activities not under his supervision upon request signed by the head of the department.

Adopted Apr. 4, 1955

ARTICLE 6

CLAIMS

SECTION 1. All claims against the Town shall be referred to the Town Manager. If he deems any such claim to be of doubtful validity, excessive in amount or otherwise contrary to the interests of the Town, he shall refer it to the Selectmen.

SECTION 2. The Selectmen shall investigate the facts of any claim referred to them by the Town Manager and determine whether such claim should be allowed or denied and the amount of payment, if any, which should be made.

SECTION 3. All litigation upon claims shall be under the supervision of the Town Manager who shall, with the approval of the Selectmen, have authority to defend or compromise any litigation to which the Town is a party.

SECTION 4. Any by-law or vote contrary to the foregoing articles is hereby repealed and rescinded.

Adopted Nov. 18, 1957

ARTICLE 7

CONTRACT PROCEDURE

The procurement of all supplies and services shall be conducted in accordance with General Laws Chapter 30B.

Adopted	Mar. 27, 1950	Amended	May 22, 1985
Amended	Mar. 26, 1951	Amended	May 17, 1995
Amended	Sept. 16, 1957	Amended	May 22, 1998
Amended	Feb. 16, 1959	Amended	Oct. 30, 2000
Amended	Mar. 22, 1971	Amended	Sept. 13, 2011

ARTICLE 8

NUMBERING OF BUILDINGS

The Board of Selectmen may require the numbering of any buildings in the Town on or near the line of public or private ways; such numbering shall be made by the Assessors subject to the approval of the Board of Selectmen.

Adopted Apr. 12, 1921

ARTICLE 8A

RECYCLING

Material set out for collection by the Town shall be separated into recyclable materials, compostable materials and rubbish. Recyclable material shall be defined as glass bottles and jars, bi-metal food cans, plastic containers, aluminum cans, newspapers and recyclable papers. Compostable materials shall be defined as leaves, grass and leaves, grass and yard waste.

Adopted May 25, 1994
Amended May 22, 2002

ARTICLE 8B

PLASTIC BAG REDUCTION

The following words shall, unless the context clearly requires otherwise, have the following meanings:

SECTION 1

“Director”, the Director of Public Health Services or the Town Manager/Board of Selectman designee.

“ASTM D6400”, the American Society for Testing and Materials (ASTM) International “Standard Specification for Compostable Plastics”.

“ASTM D7081”, ASTM International “Standard Specification for Biodegradable Plastics in the Marine Environment”.

“Checkout bag”, a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall ***NOT*** include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

“Compostable plastic bag”, a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification

by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by this section.

“Department”, the Shrewsbury Department of Public Health.

“Marine degradable plastic bag”, a plastic bag that conforms to the current ASTM D7081 standard specification for marine degradability; and conforms to any other standards deemed acceptable by the Director, provided additional, Director-approved standards are as stringent as ASTM D7081.

“Compostable plastic bag”, a plastic bag that (1) conforms to the current ASTM D6400 for compostability; (2) is certified and labeled as meeting the ASTM D6400 standard specification by a recognized verification entity; and (3) conforms to any other standards deemed acceptable by this section.

"Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable; (2) contains at least 40% post-consumer recycled paper content; and, (3) displays the percentage of post-consumer recycled content in a visible manner on the outside of the bag.

“Reusable check-out bag”, a bag with sewn handles that is specifically designed for multiple reuse, can carry 25 pounds over a distance of 300 feet; and is either (1) made of cloth or other machine washable fabric; or (2) made of durable plastic that is at least 4.00 mils thick; or (3) made of other durable material.

“Retail establishment”, any retail space located in the Town of Shrewsbury including without limitation a restaurant, food or ice cream truck, convenience store, retail pharmacy, or supermarket.

SECTION 2

If a retail establishment as defined in section 1 provides plastic checkout bags to customers, the plastic bags shall comply with the requirements of being compostable plastic bags, as well as marine degradable plastic bags. Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, cheese, bulk foods, wet items and other similar merchandise, typically without handles, are permissible.

SECTION 3

(a) Nothing in this section shall be read to preclude any establishment from making reusable checkout bags available for sale to customers or utilizing recyclable paper bags as defined in this section at checkout.

(b) The Director may promulgate rules and regulations to implement this section.

(c) Each Retail Establishment as defined in Section 1, above, located in the Town of Shrewsbury shall comply with this by-law.

(1) If it is determined that a violation has occurred the Director shall issue a warning notice to the Retail Establishment for the initial violation.

(2) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the retail establishment.

(3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:

A) \$50 for the **SECOND** offense paid with 21 days to the Department of Health

B) \$100 for the **THIRD** offense and all subsequent offenses.

(4) No more than one (1) penalty shall be imposed upon a Retail Establishment within a seven (7) calendar day period.

(5) A Retail Establishment shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.

(6) All subsequent offenses may be penalized by a non criminal disposition as provided in the General Laws, Chapter 40, Section 21D

All of the requirements set forth in this by-law shall take effect July 1, 2017. In the event that compliance with the effective date of this by-law is not feasible for a food service establishment because of either unavailability of alternative checkout bags or economic hardship, the Director may grant a waiver of not more than six months upon application of the owner or the owner's representative. The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth above.

Adopted July 13, 2016

ARTICLE 8C

POLYSTYRENE REDUCTION

SECTION 1.

“Director”, the Director of Public Health Services or the Town Manager/Board of Selectman designee.

“Disposable Food Service Container” means single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages, including without limitation, take-out foods and/or leftovers from partially consumed meals prepared by a food establishment. This includes, but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, or utensils. It does not include single-use disposable packaging for unprepared foods.

“Food Establishment” means any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, as further defined in 105 CMR 590.002. Any establishment requiring a permit to operate in accordance with the State Food Code, 105 CMR 590.000, et. seq., shall be considered a food establishment for purposes of this ordinance.

“Expanded Polystyrene” means blown polystyrene (polystyrene that has been expanded or “blown” using a gaseous blowing agent into a solid foam) and expanded and extruded forms, which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blow molding (extruded foam polystyrene).

“Prepared Food” means any food or beverage prepared on the food establishment’s premises, using any cooking or food preparation technique. Prepared food does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation. Prepared food may be eaten on or off the food establishment’s premises.

SECTION 2.

Food establishments are prohibited from dispensing prepared food to customers in disposable food service containers made from expanded polystyrene.

SECTION 3.

(a) The Director may promulgate rules and regulations to implement this section.

(b) Each Food Establishment as defined in Section 1, above, located in the Town of Shrewsbury shall comply with this by-law.

(1) If it is determined that a violation has occurred the Director shall issue a warning notice to the Food Establishment for the initial violation.

(2) If an additional violation of this by-law has occurred within one year after a warning notice has been issued for an initial violation, the Director shall issue a notice of violation and shall impose a penalty against the Food Establishment.

(3) The penalty for each violation that occurs after the issuance of the warning notice shall be no more than:

A) \$50 for the SECOND offense paid with 21 days to the Department of Health

B) \$100 for the THIRD offense and all subsequent offenses.

(4) No more than one (1) penalty shall be imposed upon a Food Establishment within a seven (7) calendar day period.

(5) A Food Establishment shall have fifteen (15) calendar days after the date that a notice of violation is issued to pay the penalty.

(6) All subsequent offenses may be penalized by a non criminal disposition as provided in the General Laws, Chapter 40, Section 21D

All of the requirements set forth in this by-law shall take effect January 1, 2020. In the event that compliance with the effective date of this by-law is not feasible for a Food Establishment because of either unavailability of alternative food service containers or economic hardship, the Director may grant a waiver of not more than six months upon application of the owner or the owner's representative. The waiver may be extended for one (1) additional six-month period upon showing of continued infeasibility as set forth above.

Adopted February 21, 2019

ARTICLE 9

VEHICLES/TRAVELED WAYS

9-A STREETS, ROADS AND HIGHWAYS

SECTION 1. No person having charge of a vehicle in any street shall neglect or refuse to stop the same or to place the same as directed by a police officer or constable.

SECTION 2. No person having under his care or control any vehicle, shall permit the same, or the animal or animals attached thereto, if any, to stand on or across any public highway, street or sidewalk, in such a manner as to obstruct the travel over the same, for an unnecessary length of time. No person shall stop with any vehicle in any public street so near another vehicle as to obstruct public travel; and no person shall stop with any vehicle upon or across any crossing in any street or highway of the Town, nor in front of any street railway signal post on any such street or highway.

SECTION 3. A person driving or controlling a vehicle in turning to the left into another street shall pass to the right of and beyond the center of the intersecting street before turning.

SECTION 4. No person shall ride, drive or cause to be driven any horse or vehicle over that part of any street which is being mended, repaired or paved, if a watchman or signal is placed prohibiting the same.

SECTION 5. The driver of any vehicle proceeding on the track in front of a street car shall, as soon as possible, turn therefrom on signal by the motorman or conductor of the car.

SECTION 6. No person shall erect, set up or maintain any fence, portico, platform or doorstep extending into or on any sidewalk, street or highway; and no person shall hoist any article or material from any street or sidewalk into any building or on to any premises adjoining the same so that said article or material shall overhang any part of the street or sidewalk, without first obtaining a permit from the Chief of Police. The Chief of Police may revoke any such permit at any time if in his opinion the apparatus used or the manner of operation is unsafe.

SECTION 7. No person shall place or cause to be placed in any street, way or public place in the town any obstruction, or any ashes, papers, tin cans, garbage, carrion, filth, offal, fuel, building materials, or any kind of rubbish except in such place and in such manner as shall be directed by the selectmen.

SECTION 8. No person by himself or his agents or servants shall distribute or place in or upon any street, square, park, common, lane, alley, way or other public place any placard, hand-bill, flyer, poster, advertisement or paper of any description.

No person shall place an obstruction on any sidewalk or highway of the town without a permit from the selectmen or road commissioners, and shall remove such obstruction immediately after receiving notice from a police officer, constable or selectmen of the town.

SECTION 9. No person shall pasture any animal or animals, either with or without a keeper, in any street, road or highway in the Town, and no person shall suffer horses or grazing beasts or swine to run at large in the Town. No person shall tie horses or other animals to any shade tree bordering on the public highway. No person shall wilfully or negligently cause swine, cows or horses to travel on the sidewalks of this town.

SECTION 10. No person shall throw stones, snow-balls, sticks or other missiles, or kick football, or play at any game in which a ball is used, or fly kites or balloons, or shoot with an airgun, bow and arrow, sling shot or similar device in or across any of the public ways of the Town.

SECTION 11. No person shall wilfully or negligently obstruct the free passage of other persons on any sidewalk, street, road or highway, nor shall any person loiter upon any sidewalk or in any street, road or highway of the Town. No person shall use any handcart or handbarrow, or any cart or carriage, except invalids' or children's carriages or express wagons, on any sidewalk in the Town; and no person shall suffer any horse or horses or any neat cattle, sheep, goats or swine to stray upon any such sidewalk, or to be upon such sidewalk, so as to in any way obstruct, or endanger the free passage of persons thereon. No person shall ride or cause to be propelled a bicycle or motorcycle, or any other motor propelled vehicle, upon any sidewalk. No person shall throw or place any slippery substance upon any sidewalk or street crossing.

SECTION 12. No person who is the owner, or the tenant of any building adjoining any street, road or highway, in the Town, shall allow snow or ice to remain on any part of the roof thereof, where the fall of such snow or ice may endanger persons passing in such street, road or highway.

SECTION 13. No person shall coast or slide in, upon or across any street, sidewalk, road or highway, in the Town, except in such place and under such regulations as may be designated and established by the Road Commissioners, or the Selectmen, when they have charge of said streets, sidewalks, roads or highways.

SECTION 14. No person shall knowingly suffer or permit any water or other liquid substance to run or be discharged from any building owned by him or under his control, upon or across any curbed or finished sidewalk.

SECTION 15. No person shall fire or discharge any gun, pistol or firearms in or across any of the streets or public places within the Town; but this section shall not apply to the use of such weapons in the lawful defense of one's person, family or property or in performance of any duty required or authorized by law, nor upon such days as may be designated by the Board of Selectmen.

SECTION 16. No person shall throw or place or cause to be thrown or placed upon any street or highway of the Town any nails, spikes, screws, glass, tin cans or other sharp substance or articles.

SECTION 17. No person shall suffer a platform, or grate of any entrance, or opening to a cellar or basement, in any street or sidewalk, to rise above the surface on any street or sidewalk, and every such entrance or opening shall at all times be covered by a suitable platform or grate, and, in case of a coal hole, by a suitable covering.

SECTION 18. Whoever posts, affixes or in any way attaches any poster, handbill, notice, advertisement or placard, to or upon any trees, poles, walls, fences, building or structure not his own, without the permission of the owners or proprietors of such wall, fence or structure shall forfeit and pay for each offense, a fine of not more than twenty dollars.

Adopted Apr. 12, 1921

9-B OBSTRUCTING VEHICLES

No person shall place, or cause to be placed, any vehicle which shall interfere with the removing or plowing of snow or the removing of ice from any public way of the Town and the Superintendent of Streets or other officer in charge of public ways for the time being for the purpose of removing or plowing snow or removing ice from any public way is hereby authorized and empowered to remove or cause to be removed to some convenient place, including in such term a public garage, any vehicle interfering with such work and the owner of such vehicle shall be liable for the cost of such removal and the storage charges, if any, resulting therefrom.

Adopted Mar. 24, 1958

9-C UNREGISTERED MOTOR VEHICLES

1. Definitions.

For the purposes of this by-law, the following words and phrases shall have the meanings respectively ascribed to them by this section:

PERSON - any person, firm, partnership, association, corporation, company or organization of any kind.

PROPERTY - Any parcel of real property within the Town which is not a public street or highway including all contiguous parcels owned in whole or in part by the same person.

MOTOR VEHICLE - A machine propelled by power other than human or animal power, designed to travel along the ground by the use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, recreational vehicles and motor homes.

2. Disabled, dismantled, inoperative and/or unregistered motor vehicles on private property.

A. The storing, parking or leaving of more than one dismantled, junked, disabled, inoperative

or unregistered motor vehicle or major part thereof upon private property shall be declared a public nuisance and is prohibited. This bylaw shall not apply to farm vehicles, motor vehicles necessary for business use, vehicles stored within a building or to vehicles stored, parked or displayed on property duly licensed in accordance with M.G.L., Chapter 140, Section 57 through 69; except that no such vehicle may be parked or stored on vacant unimproved, private property.

B. Notice of existence of violation and notice to remove.

Whenever it comes to the attention of the Chief of Police or his designee that any nuisance, as defined in Subsection A of this section, exists in the Town of Shrewsbury, a notice in writing shall be sent by certified mail to the owner of the land where the nuisance exists notifying them of the existence of the nuisance and ordering its removal within seven (7) days of receipt of said notice. Notice of existence of any nuisance may also be perfected by service in hand by the appropriate process server to the owner of the land.

C. This bylaw shall not apply to new motor vehicles for which no Certificate of Title has been issued and that are still on a Certificate of Origin from the manufacturer that are stored on a parcel of property in a manner as set forth in a license issued by the Board of Selectmen under such conditions deemed appropriate by the Board subject to applicable provisions of the Zoning Bylaw of the Town. Further, the stored vehicles shall be in the ownership of a dealer holding a valid Class I license issued by the Shrewsbury Board of Selectmen pursuant to M.G.L., Chapter 140, Sections 57 through 69.

3. Any person violating any of the provisions of this bylaw shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding fifty dollars (\$50.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Adopted March 23, 1964
Amended May 25, 1994

Amended May 21, 2003
Amended Oct. 18, 2011

9-D MOTORIZED SCOOTERS PROHIBITED

SECTION 1. No person shall operate a motorized scooter, motorized skateboard, or other similar motorized motor vehicle on any public way, sidewalk, playground, property of the Town of Shrewsbury, or private property without the permission of the owner.

SECTION 2. A police officer witnessing a violation of this by law shall have the right to arrest such person without a warrant and shall bring the person so arrested before the court within twenty-four hours, Sundays and holidays excepted.

SECTION 3. Whoever violates this section shall be punished by a fine of not more than one hundred dollars.

Adopted May 19, 2004

ARTICLE 10

HANDICAPPED PARKING

- A. Any person or body that has lawful control of a public or private way or of improved or enclosed property used as off-street parking areas for businesses, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or for any other place where the public has a right of access as invitees or licensees, shall be required to reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by section two of Chapter 90 according to the following formula:

If the number of parking spaces in any such area is more than fifteen but not more than twenty-five, one parking space; more than twenty-five but not more than forty, five percent of such spaces but not less than two; more than forty but not more than one hundred, four percent of such spaces but not less than three; more than one hundred but not more than two hundred, three percent of such spaces but not less than four; more than two hundred but not more than five hundred, two percent of such spaces but not less than six; more than five hundred but not more than one thousand, one and one-half percent of such spaces but not less than ten; more than one thousand but not more than two thousand, one percent of such spaces but not less than fifteen; more than two thousand but less than five thousand, three-fourths of one percent of such spaces but not less than twenty; more than five thousand, one-half of one percent of such spaces but not less than thirty.

- B. Parking spaces designated as reserved under the provision of paragraph A shall be identified by the use of above grade signs with white against blue background; shall be as near as possible to a building entrance or walkway; and shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a person with a disability.
- C. The leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons as authorized by paragraphs A and B or in such manner as to obstruct a curb ramp designed for use by handicapped persons as a means of egress to a street or public way shall be prohibited.
- D. The penalty for violation of this bylaw shall be \$100 and the vehicle may be removed according to the provisions of Section 120 D of Chapter 266 of the General Laws.

Adopted May 23, 1984

Amended May 28, 1991

Amended May 23, 2001

ARTICLE 11

LICENSES AND FEES IN GENERAL

11-A LICENSING PROCEDURES

(a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually and may periodically furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, 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.

Amended xxxx xx, 2018

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or 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.

(c) 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.

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

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

Adopted October 5, 1995

11-B HAWKERS AND PEDDLERS

SECTION 1. No person shall go from place to place in this town selling or bartering, or carrying or exposing for sale or barter, any fish, fruits and vegetables, in or from any cart, wagon or other vehicle, or in any other manner without a license therefor from the town clerk; provided however, that this section shall not apply to any person who sells only fruits or vegetables raised or produced by himself or his family, or fish which is obtained by his own labor or the labor of his family.

SECTION 2. The town clerk shall have authority to grant such license to any person of good repute for morals and integrity who is, or has declared his intention to become, a citizen of the United States. Said licenses, unless sooner revoked by the town clerk shall expire one year after the granting thereof, and each person so licensed shall pay therefor a fee of five (5) dollars.

SECTION 3. Every person licensed under the provision of the preceding section as a hawker and peddler of fruits and vegetables, or fish, shall record his name and residence with the town clerk.

SECTION 4. Every vehicle or other receptacle used by a licensee as a conveyance for articles offered or exposed for sale by him shall have attached thereto on each side a number plate, to be furnished by the town clerk with his license, bearing the number of such license.

SECTION 5. No person shall be registered or assigned a badge or number plate under the provisions of these by-laws until he presents a certificate from the sealer of weights and measures stating that all weighing and measuring devices intended to be used by such person have been duly inspected and sealed as required by law. The use of, or possession by such person with intent to use, any false or unsealed weighing or measuring devices shall be sufficient cause for the revocation of his license or the cancellation of his registration.

SECTION 6. Any license granted under these by-laws or any by-law amendatory or additional thereto may be revoked by the town clerk.

SECTION 7. Whoever violates any provisions of these by-laws shall be punished by a fine not exceeding twenty (20) dollars for each offense.

Adopted July 27, 1918

11-C LICENSING AMUSEMENT DEVICES

The annual fee for the licensing and renewal thereof of automatic amusement devices shall be sixty (60) dollars.

Adopted Feb. 13, 1984

11-D SOLICITOR/CANVASSER

SECTION 1 - LICENSE REQUIRED. It shall be unlawful for any solicitor or canvasser as defined in this bylaw to engage in such business within the Town of Shrewsbury without first obtaining a license therefor in compliance with the provisions of this bylaw. The provisions of this bylaw shall not apply to any person engaged in the pursuit of soliciting for charitable, benevolent, fraternal, religious or political activities, nor to any person exempted under Chapter 101 of the General Laws, or to any person duly licensed under Chapter 101 of the General Laws, or to any person exempted by any other General Law, nor shall this bylaw be construed to prevent route salesmen or other persons having established customers to whom they make periodic deliveries from calling upon such customers or from making calls upon prospective customers to solicit an order for future periodic route deliveries.

SECTION 2 - DEFINITION. A solicitor or canvasser is defined as any person who, for himself, or for another person, firm or corporation, travels by foot, automobile or any other type of conveyance from place to place, from house to house, or from street to street, taking or attempting to lease or to take orders for retail sale of goods, wares, merchandise, or services, including, without limiting, the selling, distributing, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of all home improvements, or for services to be performed in the future whether or not such individual has, carries or exposes for retail sale a sample of the subject of such sale or whether he is collecting advance payment on such retail sales.

SECTION 3 - APPLICATION. Applicants for a license shall file with the Chief of Police, on a form issued by the Police Department, a written application signed under the penalties of perjury, containing the following information:

- (a) Name of applicant.
- (b) Address of applicant (local and permanent home address).
- (c) Applicant's height, weight, eye and hair color.
- (d) Applicant's Social Security Number.
- (e) The length of time for which the right to do business is desired.
- (f) A brief description of the nature of the business and the goods to be sold.

- (g) The name and home office address of the applicant's employer.
If self-employed, it shall so state.
- (h) A photograph of the applicant which picture shall be submitted by the applicant and be 2" x 2" showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (i) If operating a motor vehicle: the year, make, model, motor number, registration number, State of Registration, vehicle's owner and address.

At the time of filing the application, each applicant shall pay a fee of \$25.00.

SECTION 4 - INVESTIGATION AND ISSUANCE.

1. Upon receipt of the application, the Chief of Police shall investigate the applicant's reputation as to morals and integrity.

2. After an investigation of the applicant's morals and integrity, the Chief of Police shall endorse on such application his approval or disapproval. If disapproved, the applicant shall have the right of appeal to the Board of Selectmen.

3. Such license when issued shall contain the signature of the Chief of Police or the Board of Selectmen and shall show the name, address, and photograph of said licensee, the date of issuance and the length of time the same shall be operative, as well as the license number. The Police Department shall keep a record of all licenses issued for a period of six (6) years. Solicitors and canvassers when engaged in the business of soliciting or canvassing are required to display an identifying badge issued by the Police Department, by wearing said badge on an outer garment. Each licensee is required to possess an individual license.

SECTION 5 - DUTY OF POLICE TO ENFORCE - TRANSFER. The Police officers of the Town of Shrewsbury shall enforce this bylaw. No license shall be transferred.

SECTION 6 - REVOCATION OF LICENSE. The Chief of Police is hereby vested with jurisdiction over the revoking of licenses.

SECTION 7 - EXPIRATION OF LICENSE. Each license issued under the provisions of this bylaw shall continue in force from the date of its issue until the thirty-first day of December following, unless sooner revoked.

SECTION 8 - RENEWAL OF LICENSE. A license issued under the provisions of this bylaw may be renewed by the Chief of Police. An applicant requesting a renewal of a license must apply in person for such license renewal, and provide such material as required by the Chief of Police.

SECTION 9 - MISREPRESENTATION.

1. No solicitor or canvasser, licensed or exempted from license, may misrepresent, in any manner, the buyer's right to cancel as stipulated by Chapters 93, 93A and 255D of the General Laws.

2. No solicitor or canvasser, licensed or exempted from license, may use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office, or other establishment with the purpose of making a sale of consumer goods or services.

SECTION 10 - PENALTY. Any person violating any provision of this bylaw shall, upon conviction thereof, be punished by a fine not to exceed fifty (\$50.00) dollars for each and every offense.

SECTION 11 A police officer witnessing a violation of this by-law shall have the right to arrest such person without a warrant and shall bring the person so arrested before the court within twenty-four hours, Sundays and holidays excepted.

Adopted May 21, 1973
Sec. 3, Amended May 19, 2004

Section 11, Adopted May 19, 2004

11-E FEES FOR STORAGE OF VOLATILE FLUIDS

Be it hereby ordered that fees to be charged for licenses for storage and sale of volatile inflammable fluids under the provision of General Laws (ter. Ed.) Chapter 148, Section 13, shall be as follows:

0	-	999	gallons	\$ 10.00
1,000	-	1,999	gallons	20.00
2,000	-	4,999	gallons	40.00
5,000	-	29,999	gallons	60.00
30,000	-	99,999	gallons	80.00
100,000	-	199,999	gallons	75.00
200,000	-	or over	gallons	125.00

Adopted Mar. 24, 1958
Amended Nov. 9, 1959
Amended Sept. 30, 1985

11-F UNDERGROUND STORAGE TANKS

No underground storage tank shall be removed, relocated or tested for tightness unless a permit for such work has been obtained from the Fire Department.

The fee for such permit shall be \$50.00 for tanks of 1,000 gallons or more capacity, and \$25.00 for tanks of less than 1,000 gallons capacity. The fee for permit to test tanks for tightness shall be \$15.00. The fine for violating this bylaw shall be \$100.00.

Adopted May 17, 1989

11-G LICENSING GARAGES

No person shall operate a public or storage garage as defined in the Zoning Bylaw without a license issued by the Board of Selectmen. Any such license issued hereunder shall be subject to such conditions and restrictions as may be prescribed by the Board of Selectmen.

Adopted May 22, 1978

11-H LICENSING OF DEALERS IN PRECIOUS METALS

The Selectmen may, in accordance with the provisions of General Laws, Chapter 140, Section 54, provide for the licensing of suitable persons to be collectors of, dealers in, or keepers of shops for the purchase, sale or barter of precious metals. The Board of Selectmen may make rules, regulations and restrictions relative to such business which shall be expressed in all licenses. Any such license may be revoked by the Selectmen and shall be subject to the provisions of General Laws, Chapter 140, Sections 202 to 205 inclusive.

Adopted Apr. 4, 1955
Amended Nov. 29, 2013

11-I NEWSPAPER DISPENSING DEVICES PERMIT AND APPLICATION

Applications may be made to and on forms approved by the Chief of Police for rental permits allowing the installation of newspaper dispensing devices on public property along the streets and thoroughfares within the town.

The Chief of Police shall approve or deny the application. Denial shall only be for reasons of public safety, stating the reasons for such denial or grant said permit subject to the following terms:

- A. The term "newspaper/advertising dispensing device" as used in this section, shall mean a mechanical container constructed of metal, vinyl, or other material of

substantially equivalent strength and durability, not more than fifty inches in height and not more than twenty-six inches in length and width.

B. Newspaper dispensing devices shall be placed at such locations applied for and determined by the Chief of Police not to cause an undue safety hazard, interfere with the right of public to the proper use of the streets and thoroughfares or cause a nuisance as described by Mass. General Laws, Chapter 139, Section 1. provided further, however, that no newspaper dispensing device shall be placed, installed, used or maintained:

1. within ten (10) feet of any fire hydrant or other emergency facility;
2. within ten (10) feet of any intersecting driveway, alley or street;
3. within three (3) feet of any marked crosswalk;
4. at any location where the width of the clear space in any direction for the passage way of pedestrians is reduced to less than four (4) feet;
5. within two hundred and fifty (250) feet of another newspaper dispensing device containing the same newspaper or news periodical, except that the Chief of Police may permit two such dispensing devices at an intersection where such placement would not impair traffic or otherwise create a hazardous condition; and
6. in any location where three (3) such devices are already located
7. where chained to any utility pole, street sign, or any other property belonging to or maintained by the Town of Shrewsbury.

C. The rental permits shall be granted upon the following conditions:

1. the permittee shall pay a rental fee of ten (\$10) dollars per year or any part thereof, for each location where a newspaper dispensing device is installed;
2. the permittee, upon the removal of a newspaper dispensing device, shall restore the property of the town in the same condition as when the device was initially installed, ordinary wear and tear excepted;
3. the permittee shall maintain the device in good working order and in a safe and clean condition, keep the immediate area surrounding such device free from litter and debris;
4. the permittee shall not use a newspaper dispensing device for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper sold thereunder;

5. the permittee shall save and hold the town harmless from any and all liability for any

reason whatsoever occasioned upon the installation and use of each newspaper dispensing device and shall furnish, at permittee's expense, such public liability insurance as will protect permittee and the town from all claims for damage to property or bodily injury, including death, which may arise from the operation under the permit or in connection therewith. Such policy shall name the town as an additional insured and shall be in the amount of not less than one hundred thousand (\$100,000) dollars combined single limit for injury to persons and/or damage property and shall provide that the insurance coverage shall not be cancelled or reduced by the insurance carrier without thirty (30) days prior written notice to the town. A certificate of such insurance shall be provided to the town and maintained before and during the installation of such devices;

6. rental permits shall be for a term of one (1) year and shall not be assignable.

D. A person aggrieved by a decision of the Chief of Police in refusing to grant or revoking

a rental permit shall have a right to appeal to the Board of Selectmen. Such appeal shall be taken by filing a notice of appeal, including a statement of the grounds for the appeal with the Board of Selectmen within ten (10) days after notice of the decision by the Chief of Police has been given. The Board of Selectmen shall set the time and place for hearing such appeal and notice of such time and place shall be given. The Selectmen shall have the power to reverse, affirm or modify the decision of the Chief of Police and any decision made by the selectmen shall be final.

Adopted May 28, 1991
Paragraph A, Amended May 19, 2004

Paragraph B. (6), Amended May 19, 2004
Paragraph B. (7), Adopted May 19, 2004

ARTICLE 12

EXCAVATIONS/PUBLIC DUMPS AND NUISANCE PROPERTIES

12-A EXCAVATIONS IN PUBLIC WAYS

No person shall make any excavation in any public way or remove any earth or gravel therefrom or place any pavement thereon without first having obtained the written permit therefor from the Board of Selectmen, which permit may contain such lawful restrictions and limitations as the Board of Selectmen may deem necessary for the protection, convenience and safety of the public. Every person receiving such permit may be required to execute a written agreement to indemnify and save harmless the Town against all damage or cost on account of the existence of such obstruction or excavation or injury to any person, or occasioned thereby, together with a bond or security for the performance of such agreement.

The Town Manager shall designate a Board or Officer of the Town to issue a permit to excavate a trench, as defined in 520 CMR sec 14.02, pursuant to and as regulated by G.L. c. 82A and under 520 CMR 14.00 and following.

Adopted Mar. 24, 1958
2nd Paragraph adopted May 22, 2008

12-B EXCAVATIONS, WELLS, CELLAR HOLES

No person shall allow or permit the continued existence on his land of an excavation for a cellar hole or for a building which has been destroyed or demolished or the construction of which has been abandoned if the operations thereunder are discontinued for a period of more than 90 days, or any other excavation, well or hole which has become a menace or dangerous to the health and safety of the inhabitants of the town or other persons by reason of the accumulation of water therein or otherwise, unless suitable barriers are erected around said excavation or other provision made to protect the public.

Adopted Apr. 4, 1955
Amended Apr. 9, 1956

12-C PUBLIC DUMPS

SECTION A. No person shall put or suffer to accumulate on his premises, any refuse, animal or vegetable matter, rubbish or filth, whereby any offensive or noxious stench or effluvia shall be created and the health or comfort of the citizens of the town be injuriously affected, or shall throw or deposit in streams or brooks, or any part thereof not laid out as common sewers or drains, any such substances, or shall allow the contents of any house vault or the refuse of any manufacturing process or slaughtering process to drain into such streams.

SECTION B. No person shall throw into, deposit or leave in or upon any street, court, square, lane, alley, public enclosure, pond or body of water or vacant lot, where it would be

offensive, or injurious to health, or a probable source of menace from fire, any dead animal, fish or offal, or oil, grease, waste, paper, rubbish or other inflammable substance, or any metal junk or other objectionable refuse, except by written notice to the Board of Selectmen with a satisfactory description of the location of the Public Dump so designated.

SECTION C. All substances enumerated in Section A and B which have been placed or allowed to accumulate in any house, warehouse or other building, cellar, yard, unaccepted street, alleyway or other area injurious to the health or safety of the citizens of the town shall be removed by the owner or occupant of such building, cellar, yard, unaccepted street, alleyway or other area within twenty-four hours as set forth in a written notice to that effect.

SECTION D. No person shall bring into town any damaged grain, rice, coffee, fruit, potatoes, or other vegetables or any tainted or damaged meat or fish without a written permit. Any person violating Sections A, B, C or D shall be punished by a fine not exceeding twenty dollars for each offense.

Adopted Feb. 14, 1927

12-D NUISANCES ON PROPERTY

- (a) Purpose and Intent. It is the purpose and intent of this by-law to eliminate nuisances in the Town. Nuisances, such as dilapidated buildings, overgrowth, debris, trash, stagnant pools of water, property having defective weather protection and vacant or abandoned buildings, cause and contribute to blight within neighborhoods and commercial areas of the Town and adversely affect the property values for adjacent and surrounding property. Such nuisances on property also impair the public health and safety. This by-law is intended to further the objectives of and to act in concert with any existing state or local laws.
- (b) Property Standards. All property in the Town of Shrewsbury shall be maintained in the accordance with the following property standards:
1. General. All property, whether occupied or vacant, shall be maintained in good repair and a safe and sanitary condition as provided herein, so as to not cause or contribute to the creation of a hazardous or blighted area or to affect adversely the public health and safety or property value of adjacent or surrounding property.
 2. Overgrowth. All property shall be maintained free of vegetation over twelve (12) inches high that is or may reasonably become infested with rodents, vermin, or other animals, conceal pools of stagnant water, or create a fire safety hazard. All property shall be kept free of overgrown, decayed, dead, or hazardous trees, shrubs, or any other vegetation that poses a hazard to the health and safety of any person in the vicinity of the property, including any persons traveling on any portion of any public way, or any surrounding property.
 3. Structures. All structures, including any buildings, fences, storage sheds, or any

element thereof shall be maintained in a structurally sound condition and in good repair, including proper weather protection and waterproofing, and shall be maintained in a condition so as to not cause or contribute to creation of a fire safety hazard. All property shall be maintained free of extensive peeling, flaking, or chipped paint. All property with siding shall be maintained in a weather resistant and watertight condition.

4. Accumulation of Trash, Rubbish or Debris. All property shall be maintained in a clean and sanitary manner and free from the accumulation of litter, rubbish, trash or other debris, except in closed receptacles intended for such use.
5. Pools of Stagnant Water. All property shall be maintained to prohibit the formation of stagnant pools of water, which may affect adversely the public health by attracting and harboring mosquitoes and other insects.

(c) Compliance with Property Standards and Enforcement. It shall be unlawful for the owner of any property in the Town to violate any one or number of the property standards contained in section (b). The Director of Public Health or his or her designee shall be the enforcement officer empowered to enforce this by-law. Upon receipt of notice from the Director of Public Health of a violation of this by-law, the owner shall have thirty (30) days to bring the property into compliance with section (b).

(d) Violations.

1. If the owner fails to bring the property into compliance with section (b) within the time frame provided in section (c), the owner shall be subject to the penalties set forth in section (d)(2).
2. This by-law may also be enforced by civil process, criminal process or by non-criminal disposition as provided in General Laws, chapter 40, §21D. Each day on which a violation exists shall be deemed to be a separate offense and any person in violation of this by-law shall be subject to the following fines:

First violation:	\$ 50.00
Second violation:	\$100.00
Third violation:	\$200.00
Fourth and each subsequent violation:	\$300.00

3. In addition to the penalties set forth above, the Director of Public Health may seek an injunction from a court of competent jurisdiction to restrain any violation of this by-law.

(e) Definitions. The following words and phrases, when used in this by-law, shall have the following meanings:

Nuisance - a failure to satisfy any one or more of the property standards set forth in section (b) herein.

Owner - any person who owns, possesses, manages, or controls any property and shall be

sufficiently identified by the name and address appearing in the records of the Town Assessor.

Property - any land, building, structure of real property, including any fixtures attached hereto, or any personal property located within the Town.

Person - means any individual, voluntary association of individuals, business entity, or organization whether incorporated or not.

- (f) Nothing in this by-law shall abridge or interfere with any and all statutory rights available and obligations applicable to the Fire Department, the Board of Health, the Building Inspector, or the Board of Selectmen.

Adopted September 13, 2017

ARTICLE 13

FIREWORKS

No person, firm or corporation shall sell, use or authorize the sale or use of fireworks or firecrackers within the Town, except that persons having a permit issued under authority of Chapter 148, Section 10A of the General Laws may purchase fireworks and display them in accordance with the provisions of said Chapter 148, of the General Laws and in compliance with the rules and regulations of the Department of Public Safety.

Adopted Feb. 13, 1939

ARTICLE 14

DOG CONTROL LAW

SECTION 1. DEFINITION OF TERMS

As used in this bylaw, unless the context otherwise indicates

- (a) "Dog" shall mean all animals of canine species, both male and female.
- (b) "Owner" shall mean any person or persons, firm, association, or corporation owning, keeping or harboring a dog, as herein defined.
- (c) "Public nuisance" - any dog shall be deemed a public nuisance if such dog is found to be not on the premises of the owner of such dog or upon the premises of another person with the knowledge and expressed permission of such other person, except
 - (1) if such dog is attached to a leash and under the care and control of a person competent to restrain said dog so that it shall not be a threat to public safety, and the mere muzzling of such a dog shall not satisfy the requirements of this bylaw.
 - (2) if such a dog is being used as a so-called "hunting dog" and is being supervised as such by a person competent to restrain such dog so that it shall not be a threat to public safety.

SECTION 2. PERMITTING A DOG TO BECOME A PUBLIC NUISANCE PROHIBITED

No owner or keeper of any dog shall permit such dog, whether licensed or unlicensed, to become a public nuisance within the Town of Shrewsbury at any time.

SECTION 3. IMPOUNDING

It shall be the duty of the dog officer to investigate complaints concerning any dogs which are alleged to be in violation of this bylaw and to apprehend any dog found by him to be a public nuisance and to impound such dog in a suitable place or to order the owner thereof to restrain said dog.

SECTION 4. NOTICE TO OWNER AND REDEMPTION

If such dog so impounded has upon it the name and address of the owner thereof or if the name of said owner is otherwise known, then the dog officer shall immediately notify the owner and if the owner is not known then no notice shall be necessary.

The owner of any dog so impounded may reclaim such dog upon the reimbursement to the dog officer of his expenses for maintaining said dog while impounded. In any event, the dog

officer shall not charge more than the per diem rate established by the Board of Selectmen for a reimbursement of said expenses for each twenty-four (24) hour period or any part thereof that the dog is held by him, plus five (\$5.00) dollars as a fee for the initial handling of such dog. Provided, however, if the dog is not licensed that before release to any person is made by the dog officer, a license as required by the Town of Shrewsbury shall be secured.

SECTION 5. DISPOSITION OF UNCLAIMED DOGS

Any dog which has been impounded and has not been redeemed by the owner within ten (10) days and the owner is unknown, shall be disposed of as provided by Section 151A, Chapter 140 of the General Laws. If the dog owner is known, the identified owner or keeper shall be liable for all costs for impounding incurred by the town or the owner of the impounding facility.

SECTION 5A. POOPER SCOOPER

The owner or keeper of a dog shall cause to be removed any defecation made by said dog, at the time made, from any street, public way, public place or property of another.

SECTION 6. PENALTY

Any owner found in violation of the provisions of this bylaw shall be punished by a fine for each offense in accordance with the following schedule.

First Offense	\$25.00
Second Offense	50.00
Third and Succeeding Offenses	100.00

Owners of dogs who receive five (5) or more notices of violation of this bylaw shall be subject to a hearing before the Board of Selectmen under the provisions of Chapter 140, Section 157 of the General Laws.

SECTION 6A. SURCHARGE

Each dog owner shall license his or her dog by March 1 of each year. Owners licensing their dogs after this date shall pay a \$10 surcharge in addition to the license. The fees for a dog license shall be \$10.00 (Spayed/Neutered) and \$20.00 (Non Spayed/Non Neutered). The fees for a kennel license shall be \$50.00 (Less than 5), \$100.00 (5-9), and \$125.00 (10 +). The licenses issued under this section shall expire on December 31st of each year.

SECTION 7. DISPOSITION OF FUNDS

Any funds collected pursuant to the provisions of this bylaw by the dog officer shall be accounted for and paid over to the Town Treasurer at such time and in such manner as may be designated by the Town Treasurer.

Adopted	Jun.22, 1971		
Sec. 5, Amended	May21,1973	Sec. 5,6,6A	Amended May 18, 1988
Sec. 6, Amended	Feb. 4,1974	Sec. 5A	Adopted May 22, 1996
Sec. 4, Amended	May22,1978	Sec. 6A	Amended May 23, 2001
Sec. 4, Amended	Sept. 28, 1981	Sec. 6, 6A	Amended May 17, 2006
Sec. 6A,Adopted	Mar. 29, 1982	Sec. 6A	Amended Sept. 16, 2009
		Sec.1 (c) (1)	Amended Nov. 20, 2012

ARTICLE 15

PUBLIC BEHAVIOR

No person shall behave himself in a disorderly manner, or use any indecent, profane language in any street or way or near any dwelling house or other building.

Adopted Dec. 7, 1970

ARTICLE 16

**DRINKING ALCOHOLIC BEVERAGES
IN PROHIBITED PUBLIC PLACES**

SECTION 1. No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1 of the Massachusetts General Laws nor shall have in his possession any open containers or containers whose seal has been broken and recapped of such beverages, while on, in or upon any public way or sidewalk, or upon any way to which the public has a right of access, or any place to which the members of the public have access as invitees or licensees, park or playground, or private land or place, without the consent of the owner or person in control thereof. The burden of proving such consent shall be on the defendant.

SECTION 2. All alcoholic beverages being used in violation of this bylaw shall be seized and safely held until final adjudication of the charge against the persons so arrested or summonsed before the court.

SECTION 3. A police officer witnessing a violation of this bylaw shall have the right to arrest such person without a warrant and shall bring the person so arrested before the court within twenty-four hours, Sundays and Holidays excepted.

SECTION 4. The penalty for violation of this bylaw shall not exceed fifty (\$50.00) dollars for each offense.

Adopted May 19, 1975

ARTICLE 17

PENALTY FOR BY-LAW VIOLATION

Section 1 - Penalty for By-Law Violation

Any person violating any provision of the By-Laws of the Town of Shrewsbury, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in Massachusetts General Laws Chapter 40, §21D. The non-criminal method of disposition may be used for violation of any rule or regulation of any municipal officer, board or department, which is subject to a specific penalty.

Without intending to limit the generality of the foregoing, it is the intention of this provision that the following articles are to be included within the scope of this section, that the specific penalties as listed here shall apply in such cases and that in addition to the municipal personnel listed for each bylaw Article, if any, police officers shall in all cases be considered enforcing persons for the purposes of this provision; and each day on which any violation exists shall be considered to be a separate offense.

- A) Article 9C -- Unregistered Motor Vehicles
Enforcing Agent: Police Officers
Fine Schedule: \$50.00
- B) Article 11B -- Hawkers and Peddlers
Enforcing Agent: Police Officers
Fine Schedule: \$20.00
- C) Article 11D -- Solicitor/Canvasser
Enforcing Agent: Police Officers
Fine Schedule: \$100.00
- D) Article 11F -- Underground Storage Tanks
Enforcing Agent: Fire Chief
Fine Schedule: \$100.00

E) Article 16 -- Drinking Alcoholic Beverages in Prohibited Public Places
Enforcing Agent: Police Officers
Fine Schedule: \$50.00

F) Any violation of an order of the Board of Health relating to public health which is authorized by any Town bylaw, rule or regulation.
Enforcing Agent: Director of Public Health
Fine Schedule: \$10 - \$200

Adopted May 15, 2000

G) Article 24 – Consumption of Marijuana on Town Property Prohibited
Enforcing Agent: Police Department
Fine Schedule:
First violation: \$ 50.00
Second violation: \$100.00
Third violation: \$200.00
Fourth and each subsequent violation: \$300.00

Adopted May 3, 2018

ARTICLE 18

WATER USE RESTRICTIONS

Section 1 Authority

This Bylaw is adopted by the Town of Shrewsbury under its powers to protect public health and welfare and its authority to regulate water use pursuant to M.G.L. c.41, § 69B. This bylaw also implements the Town's authority under M.G.L. c.40, § 41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

Section 2 Purpose

The purpose of this bylaw 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.

Section 3 Definitions

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

Agricultural Uses - Shall mean activities associated with agriculture as defined in M.G.L. c. 128, § 1A.

Commercial Uses - Shall mean uses associated with commercial and industrial activities but not involving lawn watering.

Enforcing Persons - Shall mean any sworn member of the Police Department, Superintendent of Water and Sewer and the Foreman for Water and Sewer.

Newly Planted Lawn Areas - Shall mean lawns or specific major portions thereof, seeded or sodded in the current calendar year for homes or businesses newly constructed in the last twelve months.

State of Water Supply Emergency - Shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21 G, § 15-17.

State of Water Supply Conservation - Shall mean a State of Water Supply Conservation declared by the Town pursuant to section 4 of this bylaw.

Water Users or Water Consumers - Shall mean 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.

Section 4 State of Water Supply Conservation

The Board of Selectmen acting under the authority as Water Commissioners 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 necessary to ensure an adequate supply of water to all water consumers. 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 notice reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restrictions imposed under this section shall not be effective until such notification is provided. Notification shall also be simultaneously provided to DEP.

A declaration of a State of Water Conservation may 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.

A. Outdoor Watering Hours

Outdoor lawn 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.

B. Outdoor Use of Water Restriction

Effective between April 15 and October 15, unless modified by the Commissioners, based upon the street address number as follows:

Even numbered addresses may use water outdoors: Wednesday and Saturday

Odd numbered addresses may use water outdoors: Thursday and Sunday

No outdoor use of water on Monday, Tuesday and Friday

C. Filling and Topping off of Swimming Pools Ban

Filling of swimming pools or adding more than two inches of water to an existing filled pool is prohibited. Usage of children's wading pools is allowed.

D. Lawn Sprinkler Use Ban

The use of automatic or manual lawn sprinkler or sprinkler systems is prohibited. Outdoor watering via hand held device is allowed for vegetable and flower gardens, shrubbery, trees but not for lawn areas.

E. Outdoor Water Use Ban

The use of outdoor water is banned.

Any water consumer who violates any provision of a State of Water Supply Conservation shall be subject to the following penalties: First offense in a calendar year - Written Warning; Second Offense in a calendar year - \$50.00 fine; Third Offense in a calendar year -\$100.00 fine. Subsequent offenses – turn off of water service with a \$50. reconnection fee plus a \$200.00 fine.

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Selectmen, upon determination that the water supply shortage no longer exists. Publication of the termination of a State of Water Supply Conservation shall be given in the same manner as indicated above.

Section 5 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 (DEP), no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the DEP intended to bring about an end to the State of Emergency.

The State of Water Supply Emergency once issued may only be rescinded by the Department of Environmental Protection.

Notification of any provision, restriction, requirement, or condition with which users of water supplied by the Town are required to comply to abate a situation of water emergency shall

be sufficient for purposes of this regulation if it is published in a newspaper of general circulation within the Town or by such other notice as is reasonably calculated to reach and inform all users of the Town water supply.

Any water consumer who violates a plan to abate a water supply emergency shall be liable to the Town of Shrewsbury as follows: First Offense - \$50.00 Fine, Second Offense - \$100.00 Fine, Third Offense - \$200.00 Fine. Subsequent offenses – turn off of water service with a \$50.00 reconnection fee plus a \$300.00 Fine. The Board of Selectmen acting as the Water Commissioners when the Department of Environmental Protection has determined that an emergency exists during a drought, hurricane, conflagration or other disaster may restrain the use of water on public and private premises by shutting off the water at the meter or at the curb cock or by other means as the case may be.

Section 6 Exemptions

The following instances are exempted from any of the State of Water Supply Conservation restrictions.

1. Newly planted lawn areas
2. Agricultural use
3. Commercial use
4. Private Wells

Section 7 Enforcement

The Board of Selectmen may determine that for any specified period of time the enforcement of this Article shall be made pursuant to M.G.L. c. 40, 21D which provides for non-criminal disposition of the enforcement of an ordinance or bylaw.

Adopted March 24, 2003

(Article 18, adopted Nov.1, 1999, amended May 15,2000 & May 22,2002, deleted March 24,2003, amended May 19, 2014)

**ARTICLE 19
FALSE ALARM BYLAW**

Section 1. Definitions

Alarm System: Any device which when activated transmits a signal to the police or fire department, or transmits a signal to a person or company, who relays information to the police or fire department, or produces an audible or visible signal to which the police or fire departments are expected to respond.

Alarm User: Any person who is the owner or person in charge of premises where an alarm system is maintained within the Town of Shrewsbury.

False Alarm The activation of an alarm which results in the police or fire departments responding where it is determined after investigation by the police department that no fire activity, criminal activity or attempted criminal activity has occurred. A false alarm does not include alarms caused by hurricanes, surges or failures in the transmission of electrical power or other conditions that are beyond the control of the user.

Section 2. Responsibility to register Alarm Systems

- A. Every alarm user shall register an alarm system by submitting to the Chief of Police his name, person who is authorized to respond to an emergency signal transmitted by an alarm system and who can open or provide access to the premises where the alarm is located.
- B. All existing alarm systems shall be registered with the Town of Shrewsbury before January 1, 2001.
- C. All alarm systems installed after the effective date of this by-law shall be registered with the Chief of Police within thirty (30) days of the date of installation.
- D. Penalty: Failure to comply with any Subsection of Section 2 shall be punishable by a fine of one hundred dollars (\$100) for each offense.

Section 3 Equipment Limitations

- A. Automatic Dialer Devices Prohibited: It shall be unlawful to install a mechanical protection device that is automatically keyed to and/or activates the telephone line(s) controlled by and/or listed to the Shrewsbury Police or Fire Department. All such devices installed before the effective date of this bylaw shall be removed before January 1, 2001.
- B. Audible Device Time Limitation: All newly installed alarm systems which use an audible bell, horn, or siren shall be equipped with an automatic shutoff device, which shall deactivate the alarm within fifteen (15) minutes. All existing alarm users with an audible bell, horn, or siren must have such deactivation systems installed by January 1, 2001.

- C. Penalty: Failure to comply with any Subsection of Section 3 shall be punishable by a fine of one hundred dollars (\$100) for each offense.

Section 4 False Alarms

- A. Notice: An alarm user shall be notified by the Police Department in writing of each false alarm. After the police department has recorded three (3) separate false alarms from an alarm user within a twelve month period, the Police Chief, or his or her designee, shall notify the alarm user, in writing, of such facts, including the dates and times of each alleged false alarm.
- B. Testing: All users must notify the police department in advance of any testing equipment. Failure to notify the police department in advance of testing shall constitute a false alarm and be subject to the assessment schedule contained herein.
- C. Penalties: An alarm user whose alarm system transmits or otherwise causes more than three (3) false alarms in a twelve month period shall be assessed a penalty of \$50.00 for the fourth (4th) false alarm in any twelve month period, a \$100.00 penalty for each subsequent false alarm in any twelve month period.

Section 5 Applicability

This bylaw shall be subject to the provisions of G.L.c.40 §21D for non-criminal enforcement.

Section 6 Limitation of Liability

Notwithstanding the provisions of this By-law, the Town, its departments, officers, agents, and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm system or of alarm monitoring facilities. No liability whatsoever is assumed for the failure of such alarm devices for monitoring facilities or for failure to respond to alarms or for any other act or omission in connection with such alarm devices. Each alarm user shall be deemed to hold and save harmless the Town, its departments, officers, agents and employees from Liability in connection with the alarm user's alarm device.

Adopted May 15, 2000

ARTICLE 20

POSSESSION OF WEAPONS BY MINORS IN PUBLIC PROHIBITED

SECTION 1. No minor under the age of eighteen shall have an air rifle, BB gun, or paint ball gun in his possession while in any place to which the public has a right of access unless he is accompanied by an adult or unless he is the holder of a sporting or hunting license and has on his person a permit from the chief of police of the town in which he resides.

SECTION 2. No person shall discharge a BB shot, pellet, paint ball or other object on, from or across any street, alley, or public way or in any place to which the public has a right of access.

SECTION 3. A police officer witnessing a violation of this by-law shall have the right to arrest such person without a warrant and shall bring the person so arrested before the court within twenty-four hours, Sundays and holidays excepted.

SECTION 4. Whoever violates this section shall be punished by a fine of not more than one hundred dollars, and the air rifle, BB gun, or paint ball gun shall be confiscated. Upon conviction of a violation of this section and by the written authority of the court the weapon shall be destroyed.

Adopted May 19, 2004

ARTICLE 21
STORMWATER MANAGEMENT BY-LAW

Section 1. Purpose.

A. The purposes of this Stormwater Management By-law are, among other purposes, to safeguard the public health, safety and welfare; to improve stream health and environmental conditions; to protect the Town of Shrewsbury's water bodies and groundwater from further negative impacts of stormwater runoff; to reduce contamination of stormwater runoff; to protect aquatic and wildlife habitat; to comply with federal and State regulatory mandates of the National Pollutant Discharge Elimination System Program; and to reduce flooding. The following conditions have been identified as contributors to the challenges of stormwater management.

1. Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.
2. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the Town's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment.
3. Regulation of discharges to the municipal separate storm sewer system (MS4) is necessary for the protection of the Town's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface are major causes of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater.

In particular, land disturbances can cause harmful impacts due to:

- (a) Soil erosion and sedimentation.
- (b) Impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater.
- (c) Contamination of drinking water supplies.
- (d) Erosion of stream channels.
- (e) Alteration or destruction of aquatic and wildlife habitat.
- (f) Flooding.

(g) Overloading or clogging of municipal catch basins and municipal storm drain systems.

B. Therefore, this Article 21 establishes stormwater management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be born by abutters, townspeople, and the general public. The objectives of Article 21 are as follows:

1. To prevent pollutants from entering the Town's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4.
2. To prohibit illicit connections and unauthorized discharges to the MS4.
3. To require the removal of all such illicit connections.
4. To comply with state and federal statutes and regulations relating to stormwater discharges.
5. To establish the legal authority to ensure compliance with the provisions of Article 21 through inspection, monitoring, and enforcement.
6. To require practices to control the flow of stormwater from new and redeveloped sites into the Town's municipal storm drain system in order to prevent flooding and erosion.
7. To protect groundwater and surface water from degradation and promote groundwater recharge and infiltration.
8. To ensure adequate long-term operation and maintenance of structural stormwater best management practices (BMPs) so that they work as designed.
9. To require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbances.
10. To ensure that soil erosion and sediment control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.
11. To require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
12. To establish the Town's legal authority to ensure compliance with the provisions of Article 21 through inspection, monitoring, and enforcement.

Section 2. Definitions.

For the purposes of this By-Law, the following shall mean:

ABUTTER – The owner(s) of land abutting the activity

ALTERATION OF DRAINAGE CHARACTERISTICS – Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT – Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth of Massachusetts or the Federal government to the extent permitted by law requesting a Stormwater Management Permit for proposed land disturbances.

APPLICANT’S TECHNICAL REPRESENTATIVE – a Registered Professional Engineer (P.E.) hired by the applicant to certify that design and construction are completed in accordance with the applicable local, state, and federal stormwater requirements.

AUTHORIZED ENFORCEMENT AGENCY – The Board of Sewer Commissioners (hereinafter the Board), its employees, officers, or agents designated to enforce Article 21.

BEST MANAGEMENT PRACTICE (BMP) – An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

BY-LAW – Refers to Article 21, Stormwater Management Bylaw of the “General By-Laws of the Town of Shrewsbury”.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC) – An individual who holds a current certification from EnviroCert International, Inc. (amended 8/31/2015)

CERTIFIED PROFESSIONAL IN STORM WATER QUALITY (CPSWQ) – An individual who holds a current certification form EnviroCert International, Inc. (added 8/31/2015)

CLEAN WATER ACT – The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

CLEARING – Any activity that removes the vegetative surface cover.

DEVELOPMENT – The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISCHARGE OF POLLUTANTS – The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth of Massachusetts from any source.

EROSION – The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENT CONTROL PLAN – A document containing narrative, drawings, and details developed by a Registered Professional Engineer (P.E.) or a Certified Professional in Erosion and Sediment Control (CPESC), which includes BMPs, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbances. The plan is required as part of the application for a Stormwater Management Permit.

GRADING - Changing the level or shape of the ground surface.

GROUNDWATER – Water beneath the surface of the ground.

ILLICIT CONNECTION – A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

ILLICIT DISCHARGE – Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 9. The term does not include a discharge in compliance with a NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit, or resulting from fire fighting activities exempted pursuant to Section 9.

IMPERVIOUS SURFACE - Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

LAND DISTURBANCE – Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY – The Policy issued by the Department of Environmental Protection, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, § 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM – The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drain system owned or operated by the Town.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT – A permit issued by United States Environmental

Protection Agency or jointly with the Commonwealth that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE – Discharge to the municipal storm drain system not composed entirely of stormwater.

OWNER – A person with a legal or equitable interest in property.

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

POINT SOURCE – Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POLLUTANT – Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth of Massachusetts. Pollutants shall include without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Non-hazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- G. Dissolved and particulate metals;
- H. Animal wastes;
- I. Rock, sand, salt, soils;
- J. Construction wastes and residues; and
- K. Noxious or offensive matter of any kind.

PRE-CONSTRUCTION – All activity in preparation for construction.

PROCESS WASTEWATER – Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE – The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT – Development, rehabilitation, expansion, demolition, or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

RESIDENTIAL PROPERTY OWNER – An owner that has established primary residency in a single family residential property.

RUNOFF – Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT – Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION – The process or act of deposition of sediment.

SITE – Any lot or parcel of land or area of property where land disturbances are, were, or will be performed.

SOIL – Any earth, sand, rock, gravel, or similar material.

STORMWATER – Stormwater runoff, snowmelt runoff, and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN – A plan required as part of the application for a Stormwater Management Permit.

STORMWATER UTILITY – A special assessment district set up to generate funding specifically for stormwater management. Users within the district pay a stormwater fee and the revenue generated directly supports operation, maintenance, and upgrade or expansion of existing storm drain systems; development of drainage studies, plans, flood control measures, and water-quality programs; administrative costs; and construction of capital improvement projects, and purchase of all equipment necessary for the installation, operation and maintenance of the system.

STREAM – A body of running water, including brooks, creeks, and other water courses, which moves in a definite channel in the ground due to a hydraulic gradient. A portion of a stream may flow through a culvert, is naturally obscured, or beneath a bridge. A stream's flow may be intermittent (i.e., does not flow throughout the year), or perennial.

SURFACE WATER DISCHARGE PERMIT – A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL OR WASTE – Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

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

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

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

WETLANDS – Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to G.L. c 131, § 40 and 310 CMR 10.00 et seq.

Section 3. Applicability.

Article 21 shall apply to flows entering the municipal storm drain system and construction activities that result in a land disturbance equal to or greater than 5,000 square feet of land or will disturb less than 5,000 square feet of land but is part of a larger common plan of development. The activities prohibited from the municipal storm drain system are illicit discharge, illicit connection, and obstruction. Section 8 further identifies the prohibited activities.

No person may undertake a construction activity, including clearing, grading, and excavation that results in a land disturbance that will disturb equal to or greater than 5,000 square feet of land or will disturb less than 5,000 square feet of land but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than 5,000 square feet of land draining to the Town MS4 without a Stormwater Management Permit from the Board. The method for obtaining a Stormwater Management Permit shall be published in the rules and regulations.

After the initial common plan construction activity is completed for a particular parcel, any subsequent development or redevelopment of that parcel would be regarded as a new plan of development. For example, after a house is built and occupied, any future construction on that lot (i.e., reconstructing after fire, adding a pool or parking area, etc.), would stand alone as a new common plan for purposes of calculating acreage disturbed to determine if a Stormwater

Management Permit is required. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or the original purpose of the site; unless it exceeds 5,000 square feet of soil disturbance. (amended 8/31/2015)

Section 4. Authority.

Article 21 is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

Nothing in this By-law is intended to replace the requirements of any other by-law that has been made or may be adopted by the Town of Shrewsbury.

Section 5. Responsibility for administration.

The Board of Sewer Commissioners (The Board) shall administer, implement and enforce Article 21, and any rules and regulations adopted thereunder. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to employees or agents of the Authorized Enforcement Agency.

Section 6. Administration.

- A. The Board shall administer, implement, and enforce Article 21. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to its employees and agents.
- B. Rules and Regulations. The Board may adopt, and periodically amend, rules and regulations relating to the procedures and administration of Article 21, by majority vote of the Board, after public notice and public hearing. Failure by the Board to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of Article 21.
- C. Stormwater Utility. The Board may adopt, through rules and regulations authorized by this Stormwater Management Bylaw, a Stormwater Utility pursuant to G.L. c.83, § 16 G.L. and c.40, § 1A. The Board shall administer, implement and enforce this Utility. Failure by the Board to promulgate such a Stormwater Utility through rules and regulations or a legal declaration of its invalidity by a court shall not act to suspend or invalidate the effect of this By-Law.

Section 7. Rules, Regulations, Permits, and Procedures.

The Board may promulgate rules and regulations to effectuate the purposes of Article 21. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating Article 21.

Section 8. Prohibited activities.

- A. Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, or into the waters of the Commonwealth of Massachusetts.
- B. Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal system without prior written approval from the Board.

Section 9. Exemptions.

The non-stormwater discharge activities exempted from Article 21 are as follows:

- A. Discharge or flow resulting from fire fighting activities.
- B. The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system:
 - (1) Waterline flushing;
 - (2) Flow from potable water sources;
 - (3) Springs;
 - (4) Natural flow from riparian habitats and wetlands;
 - (5) Diverted stream flow;
 - (6) Rising groundwater;
 - (7) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005 (20), or uncontaminated pumped groundwater;
 - (8) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
 - (9) Discharge from landscape irrigation or lawn watering;
 - (10) Water from individual residential car washing;

- (11) Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (12) Discharge from street sweeping;
- (13) Dye testing, provided verbal notification is given to the Board prior to the time of the test;
- (14) Non-stormwater discharge permitted under a NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and
- (15) Discharge for which advanced written approval is received from the Board as necessary to protect public health, safety, welfare or the environment.

The construction and land disturbance activities exempted from Article 21 are as follows:

- (1) Construction activities waived from permit coverage under the NPDES General Permit for Stormwater Discharges from Construction Activities.
- (2) Normal maintenance and improvement of land in agricultural or aquacultural use as defined by the Wetlands Protection Act regulations 310 CMR 10.04;
- (3) Maintenance of existing landscaping, gardens or lawn area associated with a single family dwelling;
- (4) The construction of fencing that will not substantially alter existing terrain or drainage pattern;
- (5) Construction of utilities other than drainage (gas, water, electric, telephone, etc.) which will not alter terrain or drainage patterns;
- (6) Maintenance of stormwater BMPs with approved Operation and Maintenance Plans (amended 8/31/2015)
- (7) Emergency work to protect life, limb, or property.

Section 10. Emergency suspension of municipal storm drain system access.

The Board may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the

Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

Section 11. Notification of spills.

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of material at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth of Massachusetts, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Fire and Police Departments, Board of Health, and the Board of Sewer Commissioners. In the event of a release of non-hazardous material, the reporting person shall notify the Board no later than the next business day. The reporting person shall provide to the Board written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 12. Fee structure.

Fee Structure. The Board shall obtain with each submission an Application and Review Fee fixed by the Board or its designated agent to cover expenses connected with the application review of the Stormwater Management Permit. Authority for the Board is granted pursuant to G.L. c.40, § 22F and adopted by the Town as part of a general bylaw, Article 17. The Applicant must hire a Registered Professional Engineer (P.E.) to certify that the plans are in accordance with the Town's standards. The Board is authorized to retain professional consultation from applicable Town Departments to advise the Board on any or all aspects of these plans. The Board may waive the requirement that plans must be prepared by a P.E.

Section 13. Waivers.

- A. The Board may waive strict compliance with any requirement of Article 21 or the rules and regulations promulgated hereunder, where:
 - (1) Such action is allowed by federal, state and local statutes and/or regulations,
 - (2) Is in the public interest, and
 - (3) Is not inconsistent with the purpose and intent of Article 21.
- B. Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of Article 21 does not further the purposes or objectives of Article 21.

- C. All waiver requests shall be reviewed by the Board and if necessary, discussed with other Town departments. The waiver requests shall be discussed and voted on at the public hearing for the project.
- D. If in the Enforcement Officer's opinion, additional time or information is required for review of a waiver request, the Board may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

Section 14. Surety.

The Board may require the permittee to post before the start of land disturbance activity or construction activity, a surety bond, cash, or other acceptable security. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Board to ensure that the work will be completed in accordance with the permit. If the project is phased, the Board may release part of the bond as each phase is completed in compliance with the permit but the bond may not be fully released until the Board has received the final report as required by Section 15 and issued a certificate of completion.

Section 15. Final Reports.

Upon completion of the work, the permittee shall submit a report, as outlined in the rules and regulations, from a Professional Engineer (P.E.) or Certified Professional in Erosion and Sediment Control (CPESC), a Certified Professional in Storm Water Quality (CPSWQ), or another certified professional identified in the rules and regulations, as appropriate. The report shall certify that all erosion and sediment control devices and stormwater management facilities along with approved changes and modifications have been completed in accordance with the conditions of the approved permit. Any discrepancies should be noted in the cover letter. (amended 8/31/2015)

Section 16. Certificate of Completion

The Board will issue a letter certifying completion upon receipt and approval of the final reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with the Stormwater Management Permit.

Section 17. Enforcement.

The Board of Sewer Commissioners or an authorized agent of the Board shall enforce Article 21, regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

- A. Civil Relief. If a person violates the provisions of Article 21, regulations, permit, notice, or order issued thereunder, the Board may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

B. Orders.

- (1) The Board or an authorized agent of the Board may issue a written order to enforce the provisions of Article 21 or the regulations thereunder, which may include:
 - (a) Elimination of illicit connections or discharges to the MS4.
 - (b) Performance of monitoring, analyses, and reporting.
 - (c) That unlawful discharges, practices, or operations shall cease and desist.
 - (d) Remediation of contamination in connection therewith.
 - (e) Cease and desist from construction or land disturbance until there is compliance with Article 21, and an approved Stormwater Management Permit and provisions thereof.
 - (f) Repair, maintain; or replace the stormwater management system or portions thereof in accordance with the Stormwater Management Permit and provisions thereof.
 - (g) Remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system, including erosion and sedimentation resulting directly or indirectly from the land-disturbing activity.
- (2) If the Board determines that abatement or remediation of adverse impacts and/or contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and the owner shall reimburse the Town's expenses.
- (3) Within thirty (30) days after completion by the Town of all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, 57 after the thirty-first day at which the costs first become due.

- C. Criminal Penalty. Any person who violates any provision of Article 21, regulation, order or permit issued thereunder, shall be punished by a fine of not more than \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the Non-criminal disposition procedure set forth in G.L. Ch. 40, § 21D and adopted by the Town as Article 17 of the General By-Laws in which case the Board shall be the enforcing person. As part of the rules and regulations referenced in Section 7 of this By-Law, the Board may establish penalties for violations.
- E. Entry to Perform Duties Under Article 21. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Authorized Enforcement Agency, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Board deems reasonably necessary.
- F. Appeals. The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.
- G. Remedies Not Exclusive. The remedies listed in Article 21 are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 18. Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence or clause, of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-Law.

Section 19. Transitional provisions.

Residential property owners shall have 90 days from the effective date of Article 21 to comply with its provisions provided good cause is shown for the failure to comply with Article 21 during that period.

Adopted May 23, 2007

ARTICLE 22
DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.
2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation, subject to the following limitations:
 - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
 - B. No liability shall be incurred in excess of the available balance of the fund.
 - C. The total amount spent during a fiscal year shall not exceed the amount authorized by Annual Town Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Finance Committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.
4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, by-laws, rules, regulations policies or procedures that govern the receipt and custody of town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular annual report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.
5. Authorized Revolving Funds.

The Table of Authorized Revolving Funds, as set forth below, establishes:

- A. Each revolving fund authorized for use by a Town department, board, committee, agency or office;
- B. The department or agency head, board, committee or officer authorized to spend from each fund;

C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;

D. The expenses of the program or activity for which each fund may be used;

E. Any restrictions or conditions on expenditures from each fund;

F. Any reporting or other requirements that apply to each fund; and

G. The fiscal years in which each fund shall operate under this by-law.

A. Revolving Fund	B. Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	C. Fees, Charges or Other Receipts Credited to Fund	D. Program or Activity Expenses Payable From Fund	E. Restrictions or Conditions on Expenses Payable From Fund	F. Other Requirements Reports	G. Fiscal Years
Council on Aging Transportation Fund	Council on Aging	All receipts collected from any source for the purpose of providing transportation to eligible persons.	To pay for wages, salaries and fringe benefits associated with providing transportation services for eligible persons, including but not limited to the operation of vehicles.	None, other than as set forth in this by-law.	None, other than as set forth in this Bylaw and by Town Meeting vote.	Fiscal Year 2018 and subsequent years
Donahue Rowing Center Fund	Parks and Cemetery Commission	All receipts collected from any source related to or generated from use of the Donahue Rowing Center.	To pay salaries and expenses associated in any way with the operation, maintenance and improvement of the Donahue Rowing Center and all related appurtenances.	None, other than as set forth in this by-law.	None, other than as set forth in this Bylaw and by Town Meeting vote with the exception that the balance of the fund is to be transferred to the Donahue Rowing Center Trust on June 30 of each fiscal year.	Fiscal Year 2018 and subsequent years

Adopted September 13, 2017

ARTICLE 23 STRETCH ENERGY CODE

- 1 Definitions
- 2 Purpose
- 3 Applicability
- 4 Stretch Code

1 Definitions:

International Energy Conservation Code (IECC) - The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

2 Purpose:

The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to the relevant sections of the building code for new buildings.

3 Applicability:

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 115.AA, as indicated.

4 Stretch Code:

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Shrewsbury General Bylaws.

The Stretch Code is enforceable by the inspector of buildings or building commissioner and effective as of July 1, 2018.

Adopted November 1, 2017

ARTICLE 24

CONSUMPTION OF MARIJUANA ON TOWN PROPERTY PROHIBITED

SECTION 1. This Article is enacted in order to provide for the health, safety, and general welfare of the residents of the Town of Shrewsbury, in accordance with the Home Rule Amendment to the Massachusetts Constitution and M.G.L. c. 40, § 21.

SECTION 2. The use and consumption of marijuana or products containing marijuana or tetrahydrocannabinol is prohibited on any property owned by or under the control of the Town of Shrewsbury.

SECTION 3. This Article shall be enforced by the Police Department by non-criminal disposition as provided in General Laws, chapter 40, §21D, and Article 17 of the Town's General Bylaws. Any person in violation of this Article shall be subject to the following fines:

First violation:	\$ 50.00
Second violation:	\$100.00
Third violation:	\$200.00
Fourth and each subsequent violation:	\$300.00

Adopted May 3, 2018

APPENDIX A

Chapter 553, Acts of 1953

AN ACT TO ESTABLISH IN THE TOWN OF SHREWSBURY REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS

SECTION 1. There is hereby established in the town of Shrewsbury the form of representative town government by limited town meeting hereinafter set forth.

SECTION 2. Within thirty days after the adoption of this act there shall be created a temporary committee consisting of the selectmen and six registered voters of the town appointed by the moderator. Such committee shall study the provisions of this act and shall determine what in its opinion is a practicable percentage of the total registered voters to constitute a representative town meeting in the town of Shrewsbury and what is a practical number of precincts into which the town should be divided for the purpose of this act. Such committee shall submit its report together with recommended by-laws to the next annual town meeting or to a special town meeting called for the purpose of acting on such report and proposed by-laws.

SECTION 3. Within the limits established by this act the town of Shrewsbury shall determine by by-law the number of precincts into which the town shall be divided and the percentage of the registered voters which shall constitute the representative town meeting.

Sec. 3, Repealed by Ch 81, Acts of 1981

SECTION 4. Precincts. - Upon the adoption of the by-laws required by section three, the town of Shrewsbury shall be divided by its selectmen into precincts which shall be composed as nearly as practicable of homogenous neighborhoods. They shall be bounded whenever possible by the center line of known streets and ways or by other well-defined limits. These boundaries shall be reviewed, and if need be, wholly or partly revised, by the selectmen in December, once in five years, or in December of any year when directed by a vote of the preceding annual meeting of the town.

SECTION 5. Precinct Boundaries Publicized. - Within ten days after any establishment or revision of precincts, the selectmen shall file a report of their doings with the town clerk, the registrars of voters and the assessors, with a map or maps or description of the precincts and the names and residences of the registered voters therein. The selectmen shall also cause to be posted in the town hall a map or maps or description of the precincts as established or revised from time to time with the names and residences of the registered voters therein; and they shall also cause to be posted in at least one public place in each precinct a map or description of that precinct, with the names and residences of the registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the selectmen with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary stating the number and designation of the precincts.

SECTION 6. Elections. - Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the registered voters of the town, shall be held on the same day and at the same hour and at such place or places within the

town as the selectmen shall in the warrant for such meetings direct. The provisions of chapters fifty to fifty-six inclusive, of the General Laws relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town upon the establishment of voting precincts as hereinbefore provided.

SECTION 7. Precinct Representation. - Each precinct shall be represented in the representative town meeting by elected representatives the number of which shall bear the same proportion to the total elected membership as the number of residents in the precinct bears to the total number of residents in the town as nearly as may be.

The number and size of precincts shall be such that the number of elected representatives shall not exceed two hundred and forty.

SECTION 8. Nomination. - Nominations of candidates for town meeting members to be elected under this act shall be from among the registered voters of the precinct. Nomination papers shall bear no political designation, shall be signed by not less than ten registered voters of the precinct in which the candidate resides, and shall be filed with the town clerk on the same day that nomination papers of candidates for other town offices must be filed. Any town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk on or before the last day for filing nomination papers. The words "Candidate for re-election" shall be printed on the ballot opposite the names of such candidates, except those candidates who have been chosen as provided for in section eleven.

No nomination papers shall be valid in respect to any candidate unless his written acceptance is endorsed thereon or attached thereto.

SECTION 9. Election and Terms of Representative Town Meeting Members. - The Representative town meeting members, whose number shall have been determined as provided in this act, shall be elected by ballot by the registered voters in every precinct at the first annual town election following the establishment or revision of such precinct in conformity with the laws relative to elections not inconsistent with this act.

The first third, in the order of votes received, of members so elected, shall serve three years, the second third, in such order shall serve two years, and the remaining third, in such order shall serve one year from the first day of the annual town meeting. In case of a tie vote affecting the divisions into thirds, the members elected from the precinct shall by ballot determine the same.

Thereafter, except as is otherwise provided herein, at each annual town election the registered voters of each precinct shall similarly elect for the term of three years one third of the number of town meeting members to which such precinct is entitled; and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of elected town meeting members in such precinct. The terms of office of all town meeting members from every revised precinct shall cease upon the election of their successors at the first annual town election after revision.

The Town Clerk shall, after election of town meeting members, forthwith notify by mail each such member of his election.

SECTION 10. Members-At-Large. - The chairman of the Board of Selectmen and the chairman of the Finance Committee shall be members-at-large of the town meeting.

SECTION 11. Vacancies. - In the event of any vacancy in the full number of elected town meeting members from any precinct the vacancy shall be filled until the next annual town election from the list of defeated candidates for town meeting member from that precinct in the order of their recorded vote in the preceding town election. The defeated candidate having the highest number of recorded votes, and who otherwise qualifies, shall be deemed elected until all vacancies are filled. The Town Clerk shall forthwith on the occurrence of any vacancy notify such defeated candidate of his election and shall secure his written acceptance of his election. Failure to obtain such a written acceptance within ten days shall constitute a declination, and the Town Clerk shall thereupon notify whichever of the defeated candidates who are eligible and willing to serve and who received the next highest number of votes at such election until all vacancies are filled. In the event of a tie vote among such defeated candidates, and if there are fewer vacancies than such candidates whose votes are tied, the Town Clerk shall call together the town meeting members of the precinct where the vacancy occurs and they shall by majority vote of those members present, and by ballot, elect one of such defeated candidates to fill said vacancy. In the event there are no such defeated candidates, eligible and willing to serve, the Town Clerk shall call together the town meeting members of the precinct who shall elect by majority vote of those members present, and by ballot, any registered voter of the precinct to fill said vacancy. At such meetings a majority of such members shall constitute a quorum, and they shall elect from their own number a chairman and clerk. The clerk shall forthwith file with the Town Clerk a certificate of such election together with the written acceptance by the member so chosen, who shall thereupon be deemed elected and qualified as a town meeting member, subject to the provisions of those sections of this act respecting the election and qualification of elected town meeting members.

Amended by Ch 5, Acts of 1963

SECTION 12. Moderator. - A Moderator shall be elected, for a term of three years, by the registered voters of the town by ballot at every third annual town election and shall serve as the Moderator of all town meetings except as otherwise provided by law until his successor is elected and qualified.

The Moderator shall be a member of the Town meeting. Nominations for Moderator and his election shall be as in the case of other elective town officers, and any vacancy in such office may be filled by the town meeting members at a representative town meeting held for that purpose. If a moderator is absent, a moderator pro tempore may be elected by the town meeting members. The moderator shall be entitled to vote in case of a tie.

Amended by Ch 6, Acts of 1963

SECTION 13. Powers. - The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers, and town meeting members, and as herein provided, to referenda and all matters to be acted upon and determined by ballot, shall be so acted upon and determined by the registered voters of the town in their respective precincts. All other articles in the warrant for any town meeting shall be acted upon and determined exclusively by town meeting members at a meeting to be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, subject to the referendum provided for by section sixteen.

SECTION 14. Town Meeting. All town meetings shall be public. Subject to such conditions as may be determined from time to time by the members of the representative town meeting, any registered voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote.

A majority of the town meeting members shall constitute a quorum for doing business; provided, that a less number may organize temporarily and may adjourn from time to time, but no town meeting shall adjourn over the date of an election of town meeting members.

The town clerk shall notify the town meeting members of the time and place at which the representative town meetings are to be held, the notices to be sent by mail at least seven days before the meeting to each town meeting member at his address as it appears on the list of registered voters.

Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the town meeting members elected under the provisions of this act.

SECTION 15. Provisions Relative to Town Meeting Members. - The town meeting members, as aforesaid, shall be the judges of the election and qualification of their members. The town meeting members as such shall receive no compensation. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect on the date of such filing. A town meeting member who removes from the town shall cease to be a town meeting member and a town meeting member who removes from the precinct from which he was elected to another precinct may serve only until the next annual town election.

SECTION 16. Referendum. - No article in the warrant shall at any representative town meeting be finally disposed of by a vote to lay upon the table, indefinitely to postpone, or to take no action thereunder. No vote passed at any representative town meeting under any article in the warrant, except a vote to adjourn, or a vote authorizing the expenditure of less than ten thousand dollars or votes appropriating money for the payment of notes or bonds of the town and interest becoming due in the then current financial year, or votes for the temporary borrowing of money in anticipation of revenue, or a vote declared by preamble by a two thirds vote of the town meeting members present and voting thereon to be an emergency measure necessary for the immediate preservation of the peace, health, safety or convenience of the town, shall be operative until after the expiration of ten days, exclusive of Sundays and legal holidays, from the date of such vote. If, within said ten days, a petition, signed by not less than five per cent of the registered voters of the town, containing their names and addresses as they appear on the list of registered voters, is filed with the selectmen asking that the question or questions involved in such a vote be submitted to the registered voters of the town at large, then the selectmen, after the expiration of seven days shall forthwith call a special meeting for the sole purpose of presenting to the registered voters at large the question or questions so involved. The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers.

The questions so submitted shall be determined by a vote of the same proportion of voters at large voting thereon as would have been required by law had the question or questions been finally determined at a representative town meeting, but no action of the representative town meeting shall be reversed unless at least twenty per cent of the registered voters shall vote in favor of reversing such action. Each question so submitted shall be in the form of the following question, which shall

be placed upon the official ballot:--"Shall the town vote to approve the action of the representative town meeting whereby it was voted (brief description of the substance of the vote)?" If such petition is not filed within said period of ten days, the vote of the representative town meeting shall become operative and effective upon the expiration of said period.

SECTION 17. Powers of Town and its Town Meeting Members. - The town, after the acceptance of this act, shall have the capacity to act through and to be bound by its town meeting members who shall, when convened from time to time as herein provided, constitute representative town meetings; and the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meetings, shall, when taken by any representative town meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in town meeting open to all the voters of the town as organized and conducted before the establishment in said town of representative town meeting government.

SECTION 18. Certain Rights not Abridged. - This act shall not abridge the right of the inhabitants of the town to hold general meetings as secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in Shrewsbury the power finally to commit the town to any measure affecting its municipal existence or substantially changing its form of government without action thereon by the voters of the town at large, using the ballot and the check list therefor.

SECTION 19. Submission of Act. - This act shall be submitted for acceptance to the qualified voters of the town of Shrewsbury at the first annual town election after passage of this act, or at a special town election called for the purpose not less than ninety days before the date of said annual election. The vote shall be taken by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the question, which shall be placed upon the ballot to be used at said election:--"Shall an act passed by the General Court in the year nineteen hundred and fifty-three entitled 'An Act to establish in the town of Shrewsbury representative town government by limited town meetings' be accepted by this town?"

SECTION 20. Time of Taking Effect. - So much of this act as authorizes its submission to the registered voters of the town shall take effect upon its passage. Sections two and three shall take effect upon acceptance by a majority of the voters voting thereon, and the remainder shall take effect upon the effective date of the by-laws provided for by section three.

SECTION 21. Resubmission after Rejection. - If this act is rejected when first submitted it shall be again submitted at the next following state election in the year nineteen hundred and fifty-four and if accepted shall take effect as hereinbefore provided.

If this act is rejected for the second time when so submitted it shall be again submitted at the annual town election in the year nineteen hundred and fifty-six and if accepted shall take effect as hereinbefore provided. If this act is again rejected when so submitted for the third time, it shall thereupon become void.

Approved June 29, 1953

Amended by Chapter 5, Acts of 1963 (Vacancies)

Chapter 6, Acts of 1963 (Moderator)

Amended by Chapter 81, Acts of 1981 (Precincts)

Amended by Chapter 113, Acts of 2006 (Members-at-large)

APPENDIX B
Chapter 559, Acts of 1953

**AN ACT ESTABLISHING A SELECTMEN-TOWN MANAGER FORM OF
GOVERNMENT FOR THE TOWN OF SHREWSBURY**

SECTION 1. Board of Selectmen. - At the first town election following the acceptance of this act the registered voters of the town of Shrewsbury shall elect five selectmen of whom two shall serve for terms of three years, two for terms of two years, and one for a term of one year. At each annual town election thereafter the voters shall elect in place of those selectmen whose terms are about to expire a like number of selectmen to serve for terms of three years. When a vacancy occurs in the office of selectmen, the remaining selectmen may at any time prior to the next annual town election appoint a qualified person to serve as selectman until such election, at which election the voters shall elect a selectman to serve for the unexpired portion, if any, of the original term. The selectmen in office at the time of said first election shall continue in office until their successors are elected and qualified.

SECTION 2. Other Elected Officials. - In addition to the selectmen, the registered voters of the town shall continue to elect the following officials in accordance with any applicable statutes, by-laws and votes of the town:-

- (a) A moderator.
- (b) A school committee.
- (c) A town clerk, unless the town shall provide, by by-law, that the town clerk shall be appointed by the board of selectmen.
- (d) A town treasurer, unless the town shall provide, by by-law, that the town treasurer shall be appointed by the board of selectmen.
- (e) A board of library trustees.
- (f) Town meeting members if so provided by any applicable statute.

The term of office of any elective office, board, or committee so continued, under this section, shall not be interrupted. Every other elective office, board or commission shall be terminated as hereinafter provided, any other provision of law to the contrary notwithstanding. The term of office of any person elected to any office, board or commission existing at the time of such acceptance and terminated hereunder shall continue until such first town election and until the appointment and qualification of his successor, if any, and thereafter the said offices, boards and commissions shall be abolished and all powers, duties and obligations conferred or imposed thereon by law, except as provided by this act, shall be conferred and imposed upon the selectmen and exercised by the town manager to the extent hereinafter provided. The powers, duties and responsibilities of elected officials shall be as now or hereafter provided by applicable statutes and by-laws and votes of the town, except as otherwise expressly provided herein.

SECTION 3. Appointed Officials. -

- (a) The selectmen shall appoint a town manager as provided in section seven who may thereafter be removed as provided in section nine.

The selectmen shall appoint a town accountant, a board of appeals, a town counsel, appointive members of the retirement board, constables, election officers, registrars of voters other than the town clerk, and a town clerk and town treasurer if so provided as set forth in section two and may, after such notice and hearing as they may deem advisable, remove any person so appointed for cause.

- (c) The moderator shall appoint such boards, committees and officers, including a finance committee and a personnel board, as he may now or hereafter be directed to appoint by any applicable law, by-law or vote of the town.
- (d) The town manager shall appoint, upon merit and fitness alone, and may, subject to the provisions of chapter thirty-one of the General Laws where applicable, remove for cause:-
 - (1) A board of public health, a board of public welfare, a board of light commissioners, a planning board, and a board of assessors as provided in section twelve.
 - (2) All other officers, boards, committees and employees of the town, with the exception of the elected officials specified in section two, and officers and employees of such elected officials.

SECTION 4. Memberships; Terms; Powers; Duties and Responsibilities.

The number of members of boards, commissions, and committees so appointed as provided in the preceding section, the length of the term of each member thereof and of officers so appointed, and the powers, duties and responsibilities of the same shall be as now or hereafter provided by any applicable law, by-law or vote of the town, except as herein otherwise provided. Upon appointment and qualification of the various officials as provided for in section three, the term of office, and all powers and duties of each person theretofore holding each such office shall cease and be terminated.

Officers, boards, commissions and committees appointed by the town manager shall possess all the powers and rights and shall be subject to all the duties and liabilities specifically conferred or imposed by any applicable provision of law upon them or upon officers, boards, commissions or committees having corresponding powers and duties, but in the performance thereof they shall be subject to the general supervision of the town manager.

The manager of the electric light department appointed by the town manager shall possess all the powers and rights and shall be subject to all the duties and liabilities specifically conferred or imposed by any applicable provision of law, but in the performance thereof he shall be subject to the direction and control of the board of light commissioners, if any; otherwise to the direction and control of the town manager. Said manager of the electric light department shall not be subject to the provisions of chapter thirty-one of the General Laws and the rules made thereunder.

Amended by Chapter 69, Acts of 1955

SECTION 5. Multiple Offices. - A member of the board of selectmen, the school committee, or the finance committee, shall, during the term for which he was elected or appointed, be ineligible to hold any other elective or appointed town office or position other than town meeting member; provided, however, that a member of said board of selectmen may be appointed to serve as a member of a town building committee. Any person elected or appointed to any other office, board,

commission, or committee under the provisions of this act or of any general or special law, shall be eligible, during his term of office, for election or appointment to any other town office, board, commission or committee, except that the town accountant shall not be eligible to hold the office of town treasurer or town collector.

Subject to the approval of the selectmen the town manager may, but without additional compensation therefor, assume the powers, duties and responsibilities of any office which he is authorized to fill by appointment, such assumption to be evidenced by and effective upon the filing with the town clerk of a written declaration of such assumption signed by the town manager, except that he shall not appoint himself as a member of any board or committee.

Amended by Chapter 368, Acts of 1998

SECTION 6. Investigations and Surveys. - For the purpose of making investigations or surveys, the town manager, with the approval of the selectmen, may expend such sums for the employment of experts, counsel and other assistants, and for other expenses in connection therewith, as the town may appropriate for such purposes.

SECTION 7. Appointment of Town Manager. - The selectmen shall appoint, as soon as practicable after the first town election following acceptance of this act or after the occurrence of any vacancy, for a term of three years, a town manager who will be a person especially fitted by education, training and by previous full time paid experience in municipal government as a town or city manager, assistant manager or administrative assistant, to perform the duties of his office. The town manager shall be appointed without regard to his political beliefs. The town manager need not be a resident of the town or of this commonwealth when appointed, and shall not during the twelve months prior to the appointment have held any elective office in the town of Shrewsbury, but shall be a resident of the town during the term of office unless the residency requirement is otherwise modified by vote of the selectmen. He may be appointed for successive terms of office. Before entering upon the duties of his office the town manager shall be sworn to the faithful and impartial performance thereof by the town clerk, or by a justice of the peace. He shall execute a bond in favor of the town for the faithful performance of his duties in such sum and with such surety or sureties as may be fixed or approved by the selectmen, the premium for said bond to be paid by the town.

Amended by Chapter 4, Acts of 1996

Amended by Chapter 39, Acts of 2017

SECTION 8. Acting Manager. - The town manager may designate, by letter filed with the town clerk, a qualified officer of the town to perform his duties during his temporary absence or disability. Pending the appointment of a town manager or the filling of any vacancy or the failure of the town manager to designate a temporary manager, or during the suspension of the town manager, the selectmen may appoint a suitable person to perform the duties of the office.

SECTION 9. Removal of Manager. - The selectmen, by a majority vote of the full membership of the board, may remove the town manager. At least thirty days before such proposed removal shall become effective, the selectmen shall file a preliminary resolution with the town clerk setting forth in detail the specific reasons for his proposed removal, a copy of which resolution shall be sent by registered mail to the town manager. The manager may reply in writing to the resolution and may request a public hearing. If the manager so requests, the board of selectmen shall hold a public hearing not earlier than twenty days nor later than thirty days after the filing of such request.

After such public hearing, if any, otherwise at the expiration of thirty days following the filing of the preliminary resolution, and after full consideration, the selectmen, by a majority vote of the full membership of the board, may adopt a final resolution of removal. In the preliminary resolution, the selectmen may suspend the manager from duty, but in any case his salary shall continue to be paid until the expiration of one month after the date of the final resolution of removal.

SECTION 10. Compensation of Manager. - The town manager shall receive such compensation for his services as the selectmen shall determine, but it shall not exceed the amount appropriated therefor by the town.

SECTION 11. Powers and Duties of Manager. - In addition to other powers and duties expressly provided for in this act, the town manager shall have the following powers and duties:-

- (a) The town manager shall supervise and direct and shall be responsible for the efficient administration of all offices, boards and committees appointed by him and their respective departments. He shall, in addition, supervise and direct and shall be responsible for the efficient administration of any agency of the town not subject to his appointment or control, but only at such time and to such extent and for such period as the elected officials having control of such agency or activity may, with the consent of the selectmen, determine.
- (b) The town manager, in accordance with the provisions of this act and except as otherwise expressly prohibited by the General Laws, may, with the approval of the selectmen reorganize, consolidate or abolish departments, commissions, boards or offices under his direction and supervision, in whole or in part, may establish such new departments, commissions, boards or offices as he deems necessary, or re-establish any departments, commissions, boards or offices previously abolished, and, in so doing, may transfer the duties and powers, and, so far as possible in accordance with the vote of the town, the appropriation of one department, commission, board or office to another; provided, however, that no action taken under this act shall impair the civil service status of any employee nor shall it provide civil service status for the head of any department, commission, board or office.

Amended by Chapter 69, Acts of 1955

Amended by Chapter 367, Acts of 1970

- (c) The town manager shall fix the compensation of all town officers and employees appointed by him, subject to any applicable provisions of chapter thirty-one or section one hundred and eight A of chapter forty-one of the General Laws.
- (d) The town manager shall keep full and complete records of his office and shall render as often as may be required by the selectmen a full report of all operations during the period reported on.
- (e) The town manager shall keep the selectmen fully advised as to the needs of the town, and shall recommend to the selectmen for adoption such measures requiring action by them or by the town as he may deem necessary or expedient.
- (f) The town manager shall have jurisdiction over the rental and use of all town property, except schools. He shall be responsible for the maintenance and repair of all town

property including school buildings and grounds. Except as otherwise voted by the town, he shall be responsible for the preparation of plans and the supervision of work on all construction, reconstruction, alterations, improvements and other undertakings authorized by the town, subject, however, to the approval of the school committee with respect to plans for the construction or improvement of school buildings or property.

- (g) The town manager shall administer, either directly or through a person or persons appointed by him in accordance with this act, all provisions of general and special laws applicable to said town, all by-laws and all regulations established by the selectmen.
- (h) The town manager shall, with the approval of the selectmen, have authority to prosecute, defend or compromise all litigation to which the town is a party.
- (i) The town manager shall perform such other duties, consistent with his office, as may be required of him by the by-laws or vote of the town or by the vote of the selectmen.
- (j) The town manager shall have access to all town books and papers for information necessary for the proper performance of his duties, and may, without notice, cause the affairs of any department or activity under his control, or the conduct of any officer or employee thereof to be examined.
- (k) The town manager shall purchase all supplies, materials and equipment, and shall award all contracts for all departments and activities of the town under his supervision; and he shall make all purchases for departments or activities not under his supervision but only upon and in accordance with a requisition duly signed by the head of any such department.

SECTION 12. Appointment of Assessors. - The town manager shall appoint a principal assessor, who shall devote his full time and attention to the duties of his office and shall serve as chairman of the board, and two additional assessors.

SECTION 13. Approval of Warrants. - The town manager shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the town accountant in accordance with applicable provisions of law shall be submitted to the town manager. These warrants shall be approved and signed by the town manager, and when approved by the selectmen, shall be sufficient authority to authorize payment by the town treasurer, but the selectmen alone may approve all warrants in the event of the prolonged absence of the town manager, or a vacancy in the office of the town manager.

SECTION 14. Investigation of Claims. - Whenever any pay roll, bill or other claim against the town is presented to the town manager, he shall, if the same seems to him to be of doubtful validity, excessive in amount or otherwise contrary to the interests of the town, refer it to the selectmen, who shall immediately investigate the facts and determine what, if any, payment should be made. Pending such investigation and determination by the selectmen, payment shall be withheld.

SECTION 15. Certain Officers not to make Contracts with the Town.
It shall be unlawful for any selectman, the town manager, or any other elective or appointive official of the town other than a town meeting member, directly or indirectly, to make a contract with the town, or to receive any commissions, discount, bonus, gift, contribution or reward from, or any share

in the profits of, any person or corporation making or performing such contract, unless the official concerned, immediately upon learning of the existence of such contract, or that such a contract is proposed, shall notify the selectmen and the town manager, by registered mail, of the contract and of the nature of his interest therein, and shall abstain from doing any official act on behalf of the town in reference thereto. In case such interest exists on the part of an officer whose duty it is to make such a contract on behalf of the town, the contract may be made by another officer of the town duly authorized thereto by vote of the selectmen. Violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the town. Any person violating any provision of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both.

Amended by Chap. 124, Acts of 1959

SECTION 16. Estimate of Expenditures. - All boards, officers and committees of the town shall annually, at the request of the town manager, submit to him in writing a detailed estimate of the appropriations required for the efficient and proper conduct of their respective departments and offices during the next fiscal year. Not less than 90 days prior to the date of the start of the Annual Town Meeting, the town manager shall submit to each member of the finance committee and of the board of selectmen, a copy of his annual budget, which shall contain a careful, detailed estimate of the probable expenditure of the town for the ensuing fiscal year, including a statement of the amounts required to meet the interest and maturing bonds and notes or other indebtedness of the town, and showing specifically the amount necessary to be provided for each office, department and activity, together with a statement of the expenditures for the same purposes in the two preceding years and an estimate of expenditures for the current year. He shall also submit a statement showing all revenues received by the town in the two preceding years, together with an estimate of the receipts of the current year and an estimate of the amount of income from all sources of revenue exclusive of taxes upon property in the ensuing year. He shall also report to said committee and to the selectmen the probable amount required to be raised by taxation to defray all of the proposed expenditures of the town, together with an estimate of the tax rate necessary therefor.

Amended by Chap. 326, Acts of 1976

SECTION 17. By-laws, Rules, etc.- All laws, by-laws, votes, rules and regulations in force in the town of Shrewsbury on the effective date of this act, or any portion thereof, not inconsistent with its provisions, whether enacted by authority of the town or any other authority, shall continue in full force and effect until otherwise provided by law, by-law or vote; all other laws, by-laws, votes, rules and regulations, so far as they refer to the town of Shrewsbury, are hereby repealed and annulled, but such repeal shall not revive any pre-existing enactment.

SECTION 18. Contracts. - No contract existing and no action at law or suit in equity, or other proceeding pending at the time this act is accepted, or at the time of revocation of such acceptance, shall be affected by such acceptance or revocation.

SECTION 19. Submission of Act and Time of Taking Effect. - This act shall be submitted for acceptance to the qualified voters of the town of Shrewsbury at the first annual town election after passage of this act, or at a special town election called for the purpose not less than ninety days before the date of said annual election. The vote shall be taken by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the following question which shall be placed upon the ballot to be used at said election: - "Shall an act passed by

the General Court in the year nineteen hundred and fifty-three, entitled 'An Act establishing a selectmen-town manager form of government for the town of Shrewsbury' be accepted by the town?" If a majority of the voters voting on this question vote in the affirmative, said act shall take effect immediately for the purpose of the next following annual town election, and for all things relating thereto, and shall take full effect beginning with said following election. It shall be the duty of all town officials having to do with elections and holding office at the time of acceptance to do, in compliance with law, all things necessary for the nomination and election of officers first to be elected under this act.

If this act is rejected when first submitted it shall be again submitted at the next following state election in the year nineteen hundred and fifty-four and if accepted shall take effect as hereinbefore provided. If this act is rejected for the second time it shall be again submitted at the annual town election in the year nineteen hundred and fifty-six and if accepted shall take effect as hereinbefore provided. If this act is again rejected when so submitted for the third time, it shall thereupon become void.

SECTION 20. Revocation of Acceptance. - At any time after the expiration of three years from the date of acceptance of this act, and not less than ninety days before the date of an annual meeting, a petition signed by not less than ten per cent of the registered voters of the town may be filed with the selectmen, requesting that the question of revoking the acceptance of this act be submitted to the voters. No such petition shall be valid unless notice thereof shall be published by the selectmen for at least two consecutive weeks in a newspaper having general circulation in the town, the last publication to be at least thirty days prior to said annual meeting. The selectmen shall thereupon direct the town clerk to cause the said question to be printed on the official ballot to be used at the next annual election in the following form: - "Shall the acceptance by the town of Shrewsbury of an act passed by the General Court in the year nineteen hundred and fifty-three, entitled 'An act establishing the selectmen-town manager form of government for the town of Shrewsbury' be revoked?" If such revocation is favored by a majority of the voters voting thereon, this act shall cease to be operative on and after the annual meeting next following such vote. All general laws respecting town administration and town officers, and any special laws relative to said town, the operation of which has been suspended or superseded by acceptance of this act, shall be revived by such revocation and shall continue to be in full force and effect. By-laws, votes, rules and regulations in force when such revocation takes effect, so far as they are consistent with the general laws respecting town administration and town officers and with special laws relating to said town shall not be affected thereby, but any other by-laws, votes, rules and regulations inconsistent with such general or special laws shall be annulled. If such revocation is not favored by a majority of the voters voting thereon, no further petition therefor shall be filed under this section oftener than once in every three years thereafter.

Approved June 29, 1953

Amended by Chapter 69 of 1955 (Light Manager/Town Manager)
 Chapter 124 of 1959 (Town Meeting Members Contract with Town)
 Chapter 367 of 1970 (Civil Service, Department Heads)
 Chapter 326 of 1976 (Estimate of Expenditures)
 Chapter 39 of 2017 (Town Manager Appointment)

APPENDIX C

General Laws and Special Acts Accepted by the Town of Shrewsbury

<u>M.G.L.</u>				
<u>State Acts</u>				
<u>Year</u>	<u>Chapter</u>		<u>Title</u>	<u>Acceptance</u>
1885	309		Picnic Groves	Mar. 1,1886
Amends MGL 140 S188-190				
P.S.	51		Betterment and other Assessments	Sep. 17,1886
P.S.	27	Sec.74-77	Election of Road Commissioners (Revoked Mar.1,1897)	Mar. 4,1889
1888	431		School Superintendents	Mar. 3,1890
P.S.	82	Sec.17	Perpetual Care of Cemetery	Mar. 4,1895
1884	186	Sec. 1	Lots and Use of Funds	
1895	374		Election of Highway Surveyor(s) (Revoked Mar.6, 1899)	Mar. 1,1897
1893	417		Australian System of Elections and term of office for Selectmen and Assessors and Overseers of the Poor	Mar. 7,1898
1888	331		Regulates Catching Pickerel	May 7,1898
P.S.	50	Sec.20-24	Sidewalks	Mar. 5,1900
P.S.	36	Sec.29	Impounding of Stray Beasts	Nov. 5,1901
1903	105		Water Supply Authorization	Mar. 7,1904
1908	209		Forest Fire Protection	Mar. 1,1909
1911	146		Art Commission	Mar. 4,1912
1913	807		Workmen's Compensation	Mar. 2,1914

M.G.L.
State Acts

Year	Chapter	Title	Acceptance
1909	423	Sale of Ice Cream on Lord's Day	Mar. 2,1914
1914	790	Party Enrollment at Primary Election	Nov. 3,1914
1912 Amended by Ch.334 of 1912	104 Sec.1	Construction of Private Buildings	Feb. 1,1915
1914	361	Water Loan	Feb. 1,1915
Rev Laws 28	Sec.1-14	Public Parks	Aug. 7,1915
1908	452	Street Watering & Oiling	Feb. 7,1916
1916 Now MGL 94	153 Sec.120	Licensing Slaughter Houses	Feb. 5,1917
1916	293 Sec.1	Jitney Act	Feb. 5,1917
1916	242 Sec.3	Certain License Fees	Feb. 5,1917
1917	108 (Special)	Water Loan	May 25,1917
1912	347	Reserve Fund	Feb. 3,1919
1913	645	Reserve Fund Amendment	Feb. 3,1919
MGL Amended by Ch.311 of 1919	71 Sec.21	Continuation Schools	Nov. 4,1919
MGL	54	Voting Precincts	Apr. 12,1921
MGL	143 Sec.3	Building Laws	Dec. 20,1921
1920	591 Sec.27,28,29	Fire Department	Feb. 14,1921
MGL	41 Sec.73	Selectmen, Board of Survey	Feb. 13,1922
1923	246	Sale of Water by Worcester to Shrewsbury	Oct. 29,1923
MGL Amended by Ch.391 of 1923	40 Sec.42,A-F	Water Rates-Lien on Property	Nov.18,1924

M.G.L.
State Acts

Year	Chapter	Title	Acceptance
MGL	41 Sec.70,71,72	Planning Board	Feb. 9, 1925
MGL	139 Sec.1,2,3	Burned Buildings	Dec. 1, 1926
MGL	40 Sec.7 85 Sec.6	Snow Removal (By-Law repealed)	Nov. 29, 1927
MGL	31 Sec.48	Civil Service for Police	Nov. 29, 1927
MGL	31 Sec.49	Civil Service for Chief of Police	Feb. 6, 1928
MGL	83 Sec.25-28,inc	Sidewalk Assessments	Jul. 17, 1929
MGL	136 Sec.21-25,inc Amended by Ch.406 of 1928	Sunday Sports	Feb. 9, 1931
MGL	147 Sec.13-A	Creation of Reserve Police Force	Aug. 1, 1932
MGL	147 Sec.32-47,inc	Licensing of Boxing Matches	Aug. 1, 1932
1938	4	Soldier's Memorial Commission	Feb. 14, 1938
MGL	32 Sec.26-31H,inc.	Contributory Retirement System Selectmen	May 21, 1940
MGL	54 Amended by Ch.77 Sec.1 of 1937	Absent Voting	Feb. 9, 1942
MGL	85 Sec.1-3,inc. Amended by Ch.710 of 1941	Registration of Bicycles	Feb. 9, 1942
MGL	44	Accounting System	Dec. 18, 1942
MGL	41	Town Accountant	Feb. 8, 1943
MGL	41 Sec.38A Amended by Ch.211 of 1941	Tax Collector	Feb. 14, 1944
MGL	40 Sec.6B	Uniforms for Police & Fire Dept.	Feb. 14, 1944

M.G.L.**State Acts**

<u>Year</u>	<u>Chapter</u>	<u>Title</u>	<u>Acceptance</u>
MGL Amended by Ch.124 of 1945	40 Sec.5B	Stabilization Fund	Feb. 11, 1946
MGL Amended by Ch.156 of 1945	41 Sec.111B	Sick Leave	Feb. 11, 1946
1945	723	Veterans Assistance Bureau	Feb. 11, 1946
MGL Amended by Ch.207 of 1946	136 Sec.2	Bowling on Lord's Day	Nov. 25, 1946
MGL	71 Sec.40	Equal Pay for Men & Women Teachers	Mar. 3, 1947
MGL Amended by Ch.265 of 1947	41 Sec.110A	Saturday closing of town offices	Dec. 8, 1947
1948	588	Increase in Pension Account	Mar. 28, 1949
1950	820	Increase in Pensions Account	Mar. 26, 1951
MGL	44 Sec.65	Vacation Pay in Advance	Mar .26, 1951
1951	781	Increase in Pension Amounts	Mar. 17, 1952
1952	624	Increase in Pension Amounts	Nov. 17, 1952
MGL	31 Sec.48	Civil Service for Fire Dept.	Mar. 2, 1953
MGL	31	Civil Service for Official & Labor Service	Mar. 2, 1953
1953	434	Rent Control	July 27, 1953
1953	553	Limited Town Meeting	Nov. 3, 1953
1953	559	Selectmen-Town Manager	Nov. 3, 1953
MGL	147 Sec.16C	Five Day Week for Police	Mar. 15, 1954
MGL	41 Sec.81A	Planning Board established	Apr. 5, 1954

M.G.L.**State Acts**

<u>Year</u>	<u>Chapter</u>	<u>Title</u>	<u>Acceptance</u>
1953 Amended by Ch.69 of 1955	559 Sec.4	Light Manager Exempt from Civil Service	Mar. 7, 1955
1954 Amended by Ch.135 of 1995	502	A System of Sewerage & Sewerage Disposal	Apr. 4, 1955
MGL	80	Betterment Act	Mar. 28, 1955
MGL Amended by Ch.487 of 1954	40 Sec.42A-42E	Liens for Water Rates & Charges	Apr. 4, 1955
1954	502	Sewer Act	Apr. 4, 1955
1955	670	Increase in Pensions	Jan. 9, 1956
MGL Amended by Ch.332 of 1955	40 Sec.42G,H&I	Water Assessments	Apr. 2, 1956
MGL	41 Sec.100A	Operation of Town Motor Vehicles	Apr. 8, 1957
MGL	32B	Insurance for Town Employees	Mar. 4, 1957
MGL	40 Sec.8A	Industrial Development Commission	Nov. 18, 1957
1958	215	Sewer Assessment	June 23, 1958
MGL	33 Sec.59	Employees on Reserve Duty in Armed Forces	June 23, 1958
MGL	40 Sec.6C	Plowing of Snow on Private Ways	Mar. 2, 1959
1953 Amended by Ch.124 of 1959	559 Sec.15	Town Meeting Members May Contract with Town	Nov. 9, 1959
1960	329	Call Fireman--not subject to Civil Service	Sept.19, 1960
MGL	40 Sec.8C	Conservation Commission	Apr. 10, 1961

M.G.L.
State Acts

Year	Chapter		Title	Acceptance
MGL	32	Sec.99	Advance payments to employees who are retiring	Apr. 23, 1962
MGL	41	Sec.19B	Tenure for Town Clerk	Mar. 4, 1963
1962	608		Swimming Pool - Dean Park	Mar. 25, 1963
1953 Amended by Ch.5 of 1963	553	Sec.11	Vacancies in Town Meeting Membership	Mar. 25, 1963
1953 Amended by Ch.6 of 1963	553	Sec.12	3-year term for Moderator	Mar. 25, 1963
1963	311		Defer payment without interest on certain assessments for laying of water pipes	Dec. 2, 1963
1963	582		Certain Betterment Assessments (Main Sewer - Main Street)	Dec. 2, 1963
1963	478		Increases of pensions payable to certain former public employees	Mar. 22, 1965
1965	90	Sec.20C	Parking Regulations	Nov. 22, 1965
1966 Amends Ch.4 Sec.1 of 1938	57		Soldiers' Memorial Commission	Nov. 21, 1966
1953 Amended by Ch.766 of 1967	553	Sec. 7	Town Meeting Members - Removal of Limitations	Nov. 21, 1966
MGL	31	Sec.19C	Allowing appointment of non-resident applicants to Fire Dept.	Mar. 17, 1969
1971	48	Sec.59A	Mutual aid to other towns and cities by Fire Department - Board of Selectmen	Mar. 1, 1971
1971	638		Street Signs on Private Ways	Aug. 12, 1971
1971	999		Mutual Sewer Agreement (Hillside Farm - Lake Street)	Nov. 3, 1971

M.G.L.**State Acts**

Year	Chapter	Title	Acceptance
MGL Amended by Ch.486 of 1971	147 Sec.52-55,inc. 271 Sec.6B & 22B	Licenses shall be granted in this town for the operation, holding or conducting of a game commonly called Beano	Mar. 6, 1972
MGL	48 Sec.58D	Forty-two hour work week for members of fire departments (on ballot)	Mar. 5, 1973
MGL	44 Sec.53C	Receipt and payment of monies for off-duty work details by members of Police Department	Mar. 26, 1973
MGL Amended by Ch.808 of 1975	40A Sec.8	Limits consideration of repetitive zoning changes	Mar. 26, 1973
MGL Amended by Ch.808 of 1975	40A Sec.20	Limits consideration of repetitive applications for variances and special permits to the Board of Appeals	Mar. 26, 1973
MGL	40 Sec.8G	Allows agreements between towns for Police Department mutual aid programs	Mar. 26, 1973
MGL	48 Sec.36A	Promotion of call firefighters to regular force	May 21, 1973
1973	138 Sec.33A	Extended liquor hours Accepted by Board of Selectmen	Nov. 19, 1973
1974	164A	New England Power Pool	Feb. 4, 1974
1974	32B	Group insurance payments for retired employees (on ballot)	May 6, 1974
MGL Amended by Ch.486 of 1971	147 Sec.52-55,inc. 271 Sec.6B&22B	Licenses to play beano (State Law required question to appear on 1975 ballot.)	May 5, 1975

M.G.L.**State Acts**

Year	Chapter	Title	Acceptance
MGL	32B Sec.8A	Group insurance dividend refund (on ballot)	May 5, 1975
1975	40 Sec.6J	Work clothes, purchase	May 19, 1975
1975	40 Sec.6L	Work clothes, rent	May 19, 1975
1975	775	Town authorized to become member of Mass. Municipal Wholesale Electric Co.	Jan. 6, 1976
MGL Amended by Ch.105 of 1975	32B Sec.8A	Experience Refund from Blue Cross	May 14, 1976
MGL	41 Sec.100B	Indemnify police officers and firefighters	May 17, 1976
MGL Amended by Ch.125 of 1976	40 Sec.5B	Appropriation from Stabilization Fund	May 24, 1976
MGL Amended by Ch.161 of 1976	31	Town Accountant exempt from Civil Service	June 8, 1976
1953 Amended by Ch.326 of 1976	559 Sec.16	Submitting Annual Budget	Aug. 27, 1976
MGL Amended by Ch.77 of 1977	35 Sec.19C & 41 Sec.41C	Credit Union - deductions	Mar. 28, 1977
1977	275	Refund of money for burial rights	June 10, 1977
MGL	32B Sec.16	Fallon Health Plan for town employees (Selectmen voted to accept)	July 11, 1977
MGL Amended by Ch.508 of 1977	51 Sec.29	Exempts Town from registration session	Sept. 9, 1977

M.G.L.**State Acts**

Year	Chapter	Title	Acceptance
MGL	32B	Purchase additional group life and group accidental death insurance (on ballot)	May 1, 1978
MGL Amended by Ch.808 of 1975	40&40A	Zoning	May 22, 1978
MGL Amended by Ch.418 of 1978	31	Exempts Assistant Supt. of Public Buildings and Assistant Light Dept. Manager from civil service law	May 22, 1978
MGL	44 Sec. 53D	Revolving Fund Parks and Recreation	Apr. 17, 1979
1979	412	Westboro Treatment Plant Board (30 yrs.)	May23, 1979
MGL	258 Sec.13	Indemnification of municipal officers (on ballot)	May 5, 1980
MGL	148 Sec.26C	Heat Detectors	May 28, 1980
1953 Amended by Ch.81 of 1981	553 Sec.3&7	Act providing number of town meeting members in each precinct to be related to number of residents in each precinct.	Jan. 19, 1981
MGL Amended by Ch.199 of 1981	31	Exempts supervisor of cafeterias in Public Schools from Civil Service Law and Rules	Jan. 19, 1981
MGL	90 Sec.20A ½	Parking Clerk - establish clerk and fines	Sept.28, 1981
MGL	138 Sec.12B	Nude dancing	Mar.29, 1982
MGL Amended by Ch.389 of 1982	31	Exempts School Dept. Business Mgr. and Supervisor of Attendance and Transportation from Civil Service Law and Rules	May 24, 1982

M.G.L.
State Acts

Year	Chapter	Title	Acceptance
MGL	32 Sec.20A	Retirement board indemnification	May 16, 1983
1984	146	Transfer Land-Newton Pond Conservation/Mastromatteo	Feb. 13, 1984
1954	667 Amends MGL 121 Sec.26NN thru 26VV inc.	Elderly Housing, Provide Funds for	May 23, 1984
MGL	60A Sec.1	P.O.W. Excise Exemption	May23, 1984
MGL	40 Sec.21	Handicapped Parking	May 23, 1984
MGL	140 Sec.139,147 &161 Amended by Ch.58 of 1985	Licensing and Keeping of Dogs in Shrewsbury	May 23, 1984
MGL	59 Sec.5 (17C)	Real Estate Abatements Certain Persons: surviving spouse; minor w/deceased parent, over 70 years	Mar. 25, 1985
MGL	59 Sec.5 (41B)	Real Estate Abatement persons over 70 years	Mar. 25, 1985
1985	188 Sec.13	Professional Development Grant Program (Education)	Feb. 3, 1986
MGL	64G Sec. 3A	Room Occupancy Excise	May 21, 1986
MGL	148 Sec.26G	Automatic sprinkler protection on certain buildings	May 21, 1986
MGL	148 Sec.38A	Established fee for removal of Underground Storage Tanks	May 21, 1986
MGL	105	Pay bills for packaging and disposing of chemicals	Feb. 23, 1987
MGL	71 Sec.40	Teachers Salaries-Minimum Rate	May 18, 1988
MGL	32 Sec.90A	Increases the accidental disability allowances for certain retirees	May 18, 1988

M.G.L.
State Acts

Year	Chapter	Title	Acceptance
MGL	32 Sec.20 (4)(d1/2)	Increases the compensation of the Town Acct. for serving as a member of the retirement board.	May 18,1988
MGL	59 Sec.5 (41C)	Increases income and estate value limits for persons over 70 yrs. of age	May 18, 1988
MGL	59 Sec.5 (17D)	Excludes the total value of the domicile when determining the estate for those who are eligible for real estate tax exemptions	May 18, 1988
MGL Amended by Ch.283 of 1988	31	Exempts the Positions of Manager of Cable Television, Manager of Electric Operations, Manager of Administration and Finance, and Manager of Engineering	May 18, 1988
MGL	32 Sec.22D	Places the Retirement System on a Funding Cycle	May 15, 1989
1988	245	This increases the right of the Planning Board to default subdivision bonds up to \$100,000 to complete the work on subdivision roads.	May 17, 1989
MGL	40 Sec. 57	Denial of Licenses or Permits for unpaid taxes	May 21, 1990
1989 Amends MGL Ch.59 Sec. 2A(a)	653 Sec.40	Authorizing Taxing New Construction up to June 30	May 23, 1990
1990	291	Enhanced 911	May 22, 1991
1988	245	Increase funds expended by Planning Board	May 22, 1991
MGL	59 Sec. 57C	Quarterly tax bills	May 22, 1991
MGL	40 Sec. 8J	Establish a Commission on Disability	May 28, 1991
MGL (revoked May 23, 2001)	148 Sec. 26I	Automatic Sprinklers	May 28, 1991

M.G.L.
State Acts

Year	Chapter	Title	Acceptance
MGL	41 Sec. 41B	Direct bank deposits of town employees salaries	Nov. 7, 1991
MGL	32 Sec. 90G ³ / ₄	Employees Age Seventy or over, Continuation of Retirement Benefits	Nov. 7, 1991
MGL	32B Sec. 9D	Health Insurance Premiums for Surviving Spouse of Employee or Retired Employee	May 16, 1994
MGL	71 Sec. 83	Early Retirement Incentive Program - School Department	May 16, 1994
MGL	138 Sec. 12	Sale of Liqueurs and Cordials by Common Victuallers who hold license to sell wines and malt beverages	Oct. 25, 1994
MGL	41 Sec. 108L	Additional Compensation to Members of Police Department Who Obtain Certain College Degrees	May 15, 1995
MGL	60 Sec. 3C	Scholarship Fund	May 17, 1995
MGL	31 Amended by Ch.412 of 1996	Exempts the positions of Foreman and General Foreman in the Highway, Sewer and Water and Park and Cemetery Departments	May 22, 1996
1996	71	Veteran Buy Back of Service Time toward Retirement Benefits	May 21, 1997
MGL	32 Sec. 103	Cost of Living Adjustments (COLA) for Retirees	May 18, 1998
1998	194 Sec. 288	Pension Allowance Adjustment	May 17, 1999

M.G.L.
State Acts

Year	Chapter	Title	Acceptance
1999	59 Sec. 2D	Pro Rata Tax on Improved Real Property	Nov. 16, 1999
1999	127 Sec. 51	Cost of Living Adjustments (COLA) for Retirees	Feb. 16, 2000
1999	127 Sec. 59 (Amended General Laws Ch. 59)	Senior Tax Work Off Program	Feb. 16, 2000
MGL	31 Sec. 58A (Ch. 242 of the Acts of 2000)	Maximum Age for eligibility for appointment to position of Firefighter or Police Officer	May 23, 2001
MGL	148 Sec. 26I	Automatic Sprinklers	May 23, 2001
MGL	32B Sec. 9I	Insurance Premiums by employees on Military Leave of Absence	Feb. 11, 2002
MGL	59 Sec. 5, Clause 5B	Tax Exemption - Veterans Organizations	May 21, 2003
MGL	40 Sec.8D	Establish Historic Commission	May 19, 2005
MGL	32 Sec. 89B	Annuities to Dependents of Police & Firefighters	May 19, 2005
MGL	32B Sec. 18	Medicare Eligible Retirees	May 17, 2006
MGL	44 Sec. 55C	Affordable Housing Trust Fund	May 17, 2006
MGL	59 Sec. 5, Clause 54	Establish Minimum Value of Personal Property	May 17, 2006
MGL	43D (as amended pursuant to Sec. 11 of Ch. 205 of the Acts of 2006)	Expedite Permitting (Allen Property)	May 21, 2007
MGL	40 Sec. 22F	Setting Fees and Charges	May 23, 2007
MGL	44 Sec. 53F1/2	Establish Enterprise Fund Solid Waste Collection	May 21, 2008
MGL	64L Sec. 2 (a)	Local Meals Tax	Nov. 3, 2009
MGL	64G Sec. 3A	Local Room Occupancy Excise	Nov. 3, 2009
MGL	39 Sec. 23D	Non-Disqualification of Board Member From Voting	Nov. 3, 2009

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Year	Chapter		Title	Acceptance
MGL	32B	Sec. 20	Unfunded Health Insurance Costs for Retirees	May 16, 2011
MGL	64N	Sec. 3	Local Excise on Retail Sales of Marijuana	May 3, 2018
MGL	40	Sec. 57	Local licenses and permits: denial, revocation, or suspension for failure to pay municipal taxes or charges	Aug. 31, 2018
MGL	44	Sec. 53F ^{1/2}	Establishing Water Services as an Enterprise fund	May 20, 2019
MGL	44	Sec. 53F ^{1/2}	Establishing Stormwater Services as an Enterprise fund	May 20, 2019
MGL	44	Sec. 53F ^{1/2}	Establishing Cable Television Public, Educational, and Governmental Access Services as an Enterprise fund	May 20, 2019
MGL	59	Sec. 5 Clause 22H	Enacted in Section 15 of Chapter 218 of the Acts of 2018, Property Tax Exemption for Gold Star Parents	May 22, 2019