

**Town of Bridgewater**  
**Town Council**  
**2016 Ordinances Voted**

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***Town Council Ordinances***

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<i>D-2016-001</i>	Zoning Ordinance - Downtown Zoning	June 21, 2016
<i>D-2016-002</i>	Zoning Ordinance - Open Space Conservation.	June 21, 2016
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## Bridgewater Town Council

In Town Council, Tuesday, June 21, 2016

Council Ordinance: D-2016-001

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Introduced By:	Councilor Peter Colombotos
Date Introduced:	February 23, 2016
First Reading:	February 23, 2016
Second Reading:	May 10, 2016
Third Reading:	May 24, 2016
Fourth Reading:	June 21, 2016
Amendments Adopted:	May 10, 2016, May 24, 2016
Date Adopted:	June 21, 2016
Date Effective:	July 22, 2016

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### Ordinance D-2016-001

#### **ZONING ORDINANCE – AMEND DOWNTOWN ZONING**

**ORDERED** that; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Zoning Bylaws, as follows:

##### ADD:3.31.01 Requirements

A mixed use project in the Central Business District requires submission and approval of a Site Plan. The Site Plan must outline project details, phasing, scheduling and conditions of approval. Further, the Site Plan must include: existing conditions, proposed site plan, stormwater management plan, landscaping plan, parking plan, siting of public amenities, lighting plan, and circulation patterns.

The Site Plan should be accompanied by narrative describing parking schemes, ride sharing facilities, bicycle facilities and similar transportation infrastructure and traffic impact analysis. Site Plans should incorporate Complete Streets infrastructure improvements, e.g. pedestrian amenities, bicycle parking. For building projects that exceed 12,000 gross square feet of development, the SPGA may require a traffic or parking impact analysis or study.

Finally, the Site Plan submission materials must include architectural renderings, elevations, building material specifications and other pertinent details regarding the project architecture. Design standards for mixed use development projects are enumerated in Chapter 19 Mixed Use (CBD).

ADD:

##### 3.31.02 Standards

Mixed use projects shall remain sensitive to the historic and cultural importance of the Central Business District and wherever appropriate utilize complementary architecture and natural materials.

Any mixed use project is subject to the standards as set forth in section 19 Mixed Uses.

##### Section 2 – Definitions

*DELETE:*

Common Driveway. (Current definition)

ADD:

**ROLL CALL VOTE – REQUIRES 2/3 VOTE OF FULL COUNCIL (6)**

“Common Driveway” means a travel way that accommodates vehicular and pedestrian circulation between a public way and pre-existing adjoining lots. .

“Bedroom” means any area in a dwelling unit that is or could be used for the provision of private sleeping accommodations for residents of the premises, whether such area is designated as a bedroom, guest room, maid's room, dressing room, den, loft, study, library, or by another name. Any room intended for regular use by all occupants of the dwelling unit such as a living room, dining area, or kitchen shall not be considered a bedroom, nor shall bathrooms, halls, or closets.

“Incubator” or “Innovation Center” means a flexible office building designed to accelerate the growth of entrepreneurial endeavors by providing an array of business, medical, technology or research support resources and services that may include flexible physical space, access to capital, common services, and computer networking connections.

“Live Work Units” or “Live Work Space” means the conversion of an existing commercial, industrial or institutional building into a building used jointly for commercial and residential purposes whereby the residential use of the space is secondary or accessory to the principle use as a place of work.

*Section 6, Use Regulations, 6.11 Multiple Use, to the end of the paragraph*

**ADD:**

In mixed use development projects providing bike or auto sharing or rental facilities the combined parking requirement may be reduced by the Special Permit Granting Authority by 25%.

Residential units in mixed use development projects.

For a mixed use development in the Central Business District, a maximum of up to 27 bedrooms per acre are permitted regardless of configuration.

## Section 6 Use Regulations, 6.30 Table of Use

ADD:

### Section A. Residential Uses, (renumber subsequent residential uses).

A	RESIDENTIAL USES	Res. A/B	Res. C	Res. D	CBD	SBD	Bus B	Gateway	E. Gateway	IND A	IND B	IND E	PD	MHEC
1	Detached dwelling on a separate lot occupied by not more than one family	Y	Y	Y	N	N	N	Y	Y	N	N	N	N	Y
2	One two-family or one duplex on a separate lot	N	SP	SP	N	N	N	N	N	N	N	N	N	N
5	Multi-family dwellings, mixed use (see Section 19)	N	N	N	SP	N	N	N	N	N	N	N	N	N
6	Conversions to live-work units	N	N	SP	SP	N	N	N	N	N	SP	N	N	N
10	Lodging Houses	N	N	N	N	N	N	N	N	N	N	N	N	N

ADD:

### Section D. Office and Laboratory Uses

D	OFFICE AND LABORATORY USES	Res. A/B	Res. C	Res. D	CBD	SBD	Bus B	Gateway	E. Gateway	IND A	IND B	IND E	PD	MHEC
6	Incubator Innovation Center	N	N	SP	SP	N	N	N	N	N	SP	N	N	N

ADD:

### Section 8.40 Land Space Requirements Residential C

Zoning District	Minimum Lot Size	Minimum Lot Frontage
Res C	18,500 Single Family 37,000 2-Family	125' Single Family 150' 2-Family

### Section 9.55. Incubator and Innovation Center Development Standards.

#### Visual Screening.

In residential districts design and construction of driveways and parking lots must include a vegetative screen or buffer to shield neighboring properties. All compactors, dumpsters, generators or transformers and switch gear, and power generators must be suitably screened from neighboring properties.

#### Parking Requirements.

The Planning Board may permit incubators allowed in any district through Special Permit a reduction of total parking spaces by up to 20% if low impact development best practices are utilized in reducing stormwater runoff and ride sharing or bicycle infrastructure is included in the development plan. Utilizing low impact development (LID) best practices for integrated management are encouraged, e.g. creating rain gardens, pervious pavers and pavement,

### Section 16.5. Live Work Units.

**ROLL CALL VOTE – REQUIRES 2/3 VOTE OF FULL COUNCIL (6)**

#### 16.51. Purpose.

The purpose of this section is:

1. Providing for the appropriate development of uses that incorporate both living and working space;
2. Providing flexibility for development of live work units by encouraging the rehabilitation, redevelopment, and reuse of existing commercial, industrial and institutional buildings;
3. Providing a regulatory framework that allows creative new businesses to start up and thrive;
4. Providing opportunities for people to live in mixed use industrial and commercial areas whenever it is compatible with existing uses;
5. Protecting existing and potential industrial uses as well as nearby residential uses from conflicts with one another; and
6. Ensuring that live work buildings are compatible and complementary with existing commercial, industrial, and residential buildings in the area, while remaining consistent with the predominant workspace character of live/work buildings.

#### 16.52. Conversion to Live Work Units.

Live Work Units are the result of the conversion of an existing commercial, industrial or institutional building or structure or portion of a building or structure:

- (A) That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business and that person's household; and,
- (B) Where the resident owner is largely responsible for the commercial or manufacturing activity performed; and
- (C) Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.
- (D) Promote appropriate mixed uses by allowing only studio, one and two-bedroom unit configurations for live work space.

#### 16.53. Business License Required

At least one resident in each live work unit shall maintain a valid business license for a business operating on the premises.

#### 16.54. Standards and allowable commercial uses.

Live work units at street level are subject to specific development standards. Ground floor retail, office, incubator, commercial, or non-residential uses must comprise a minimum of 60% of the total gross floor area of the ground floor.

Any commercial use permitted in the zoning district applicable to the property is permitted in the live work unit. Only existing commercial, industrial and institutional buildings and structures are allowable conversions through the Special Permit process. In a residential district only the following commercial uses are permissible for live work space: professional services, technology (including light manufacturing), retail, art, craftsman, and artisan activities (including food preparation).

Parking standards may be reduced to one parking space per live work unit through the Special Permit process. Live work units may be required to provide minimal visitor parking as established in the Off Street Parking and Loading Chapter of this ordinance.

A special permit to convert an existing commercial, industrial and institutional building to live work space requires the existing structure or building have a minimum gross floor area of 10,000 square feet and be located on a lot with a

minimum of 40,000 square feet of area within the designated zoning districts. Through the Special Permit process the Planning Board may allow the existing building an addition or expansion of up to 100% of existing gross floor area.

Additions to the existing building shall reflect the architectural character and context of the building and utilize complementary materials. Proposed structures shall complement the existing building architecture and reflect the character and context of the site.

Through the Special Permit the Board may permit live work space a maximum residential density of 25 residential units per upland acre or 1,742 sq ft per unit. To foster the necessary flexibility and promote live work space development a maximum of 38 bedrooms per acre is allowed, and regardless of configuration only one and two-bedroom units of live work space are allowed. Live work units with three or more bedrooms per unit are not permitted.

## Section 8, Land Space Requirements, 8.40

*DELETE: Central Business District requirements.*

*ADD:*

Zoning District	Minimum Lot Size	Minimum lot area per dwelling unit	Minimum Lot Frontage	Minimum Depth Front/Rear/Side	Maximum Building Height Story/Feet	Maximum % Building Coverage	Maximum % Lot Coverage	Minimum % Open Space	Maximum % Impervious
Central Business District	No Minimum lot size for existing non conforming lots. Newly created lots require 10,000 sq. ft.	2,420 sq ft (through Special Permit).	No Minimum lot frontage for existing non conforming lots. New lots require 100 feet	No setback front or side requirements for existing non conforming lots. New lots require 5' front and 5' side setbacks. All lots require 15 feet rear setback.	3.5 /40'	(8)	80%	20%	

## Section 19, Mixed Uses (CBD) 19.04 Requirements

*Amend Existing number 7:*

Commercial uses shall be required on the first floor in its entirety. No residential uses are allowed at ground floor, or first floor, in mixed use development.

*ADD to Existing number 12 Rooflines:*

To prevent a canyon effect along the street scape, proposed structures achieving the maximum building height must utilize terracing of the structure, or creating architectural elements (including angled roofs, dormers and gable elements) above the second story.

*DELETE existing number 15.*

*ADD:*

15. The Planning Board, as part of a Special Permit, may increase residential density up to 18 units per upland acre (2,420 square feet per unit) with a minimum 30% gross floor area commercial development. The 30% gross floor area is computed from the total gross floor area of the project. No residential units are allowed on the ground floor of a mixed use development within the Central Business District zone.

B The requirement for commercial development may be accommodated on an adjacent parcel or parcels, providing the commercial development is constructed in conjunction and coordination with the residential development and reflects the character of a village or town center. An approved site plan of the entire development project must outline project phasing and scheduling as well as conditions of approval. Unless

otherwise permitted elsewhere in this section, no residential units are allowed on the ground floor of a mixed use development within the Central Business District zone.

**Section 10.30, Off-Street Parking and Loading Requirements** *Re-letter current d. to e.*

**ADD:**

d. In Central Business District all on-site parking shall be located to the side or behind the building.

**AMEND:**

**LODGING HOUSE REGULATIONS**

**DELETE EXISTING 3.**

**ADD:**

3. As of the date of passage of this amendment, no additional lodging houses are permitted within any zoning district in the Town of Bridgewater. Only those pre-existing lodging houses legally operating upon the date of passage of this amendment may receive a license to continue operation. All pre-existing legally licensed lodging houses must continue to conform to the regulations herein or risk revocation of said license. No pre-existing legal lodging house operation shall continue to operate without a proper license from the Town of Bridgewater.

**DELETE: 9.90 Common Driveways**

**ADD:**

**9.90 COMMON DRIVEWAYS**

**9.91 Purpose and Intent**

The purpose of this section is assuring safe and adequate means of vehicular access to public ways for no more than two adjoining lots with existing minimum frontage on a public way. Common driveways are allowed in commercial or industrial zoning districts only and shall not substitute for the construction of streets or roadways under the Subdivision Control Law or the Subdivision Regulations of the Town of Bridgewater. For commercial and industrial lots and uses, Common Driveways provide a means for access management by minimizing curb cuts. Common driveways are not intended or permissible for residential lots or residential uses regardless of the zoning district.

**9.92 Special Permit Required**

The Planning Board shall serve as the Special Permit Granting Authority under this section. The Planning Board may approve through a Special Permit the construction of a common driveway in a commercial or industrial district for commercial or industrial uses only.

**9.93 Requirements**

Common driveways are allowed by Special Permit only in commercial districts and for commercial, mixed use and industrial lots or uses only. Common driveways are not allowed in residential districts. Regardless of district residential lots or uses are not permitted common driveways.

A common driveway shall not serve as required minimum frontage distance for any lot.

A common driveway shall be located entirely within the lots served by the common driveway.

A Common Driveway shall not be less than 24 feet in continuous width, and whenever requiring pedestrian circulation a minimum 18 foot vehicular way and a five foot sidewalk.

The approval or endorsement of any plan of land under the Subdivision Control Law, including Form A or Approval Not Required (ANR) plan, illustrating lots that appear to share a common driveway shall not constitute an approval of a Special Permit under this section.



9.94 Design Standards

The centerline of a common driveway in commercial or industrial zoning districts shall be located upon and along the shared property line of the lots served by the common driveway.

Common Driveways shall have a minimum continuous width of twenty-four feet (24’). Unless otherwise noted herein, the layout and method of construction of a Common Driveway shall not differ from other driveway standards including permissible curb cuts and required line of sight standards.

The length of a Common Driveway shall not exceed 400 linear feet as measured from the right of way or street furnishing access to the Common Driveway, unless the Special Permit Granting Authority determines a greater length would not adversely impact public safety.

AMEND:

6.30 I.9.

Common Driveway

	ACCESSOR Y USES AND OFF- STREET PARKING	RES A/B	RES C	RES D	CBD	SBD	BUS B	GATEW AY	EAST GATEWA Y	IND A	IND B	IND E	PD	MHE C
I	Common Driveway	N	N	N	SP	SP	SP	SP	SP	SP	SP	SP	SP	N

## Sidewalk Café Ordinance

ADD:

### Section 2 Definitions:

“Sidewalk” means that portion of the street between the curb lines or the lateral lines of roadway and the adjacent property lines intended for use by pedestrians.

“Sidewalk Cafe” means the serving food or beverage from a cafe or restaurant located in an adjacent building to patrons seated at tables located within the Sidewalk area adjacent to the cafe or restaurant.

“Area of Operation” means the area of Sidewalk established by the permit granting authority and demarcated on the sidewalk according to the specifications on an approved plan within which the adjacent business is allowed to operate a Sidewalk Café.

### Section 6 Use Regulations

#### E. Retail, Business

E.	Business	Res. A/B	Res. C	Res. D	CBD	SBD	Bus B	Gateway	E. Gateway	IND A	IND B	IND E	PD	MHEC
17.	Sidewalk Cafe	N	N	N	SP	N	N	N	N	N	N	N	N	N

### Section 22 – Sidewalk Café

22.01 Permit Necessary. A person shall not construct, maintain, use or operate a sidewalk cafe without first obtaining a permit as provided in this section. The side walk café permit application consists of submitting a completed application form, payment of the annual licensing fee, and:

1. A scaled plan showing the width of the applicant’s cafe or restaurant facing the sidewalk indicating the proposed area of operation requested including locations of doorways, and the width of sidewalk (distance from curb to building facade), location of tree wells, parking meters, bus shelters, sidewalk benches, trash receptacles, driveway (including curb cuts), or any other semi-permanent sidewalk obstruction. The plan shall also show remaining sidewalk width.
2. A signed letter from the property owner, consenting to a sidewalk cafe adjacent to the property on which the restaurant is located.
3. Proof of insurance with a minimum \$1,000,000 liability coverage specifically applicable to the operation of the sidewalk cafe.

22.02 Permit Granting Authority. An application for a sidewalk cafe permit shall be made to the Town Council, in this case the designated permit granting authority.

22.03 Permit Duration. A sidewalk cafe permit shall be valid for one calendar year from January 1st each year until the following December 31st. The holder of a permit shall pay an annual fee according to the schedule of fees. The annual fee shall be paid with the original permit application and with subsequent requests for permit renewals.

#### 22.04 Standards.

A. No part of a sidewalk cafe area shall encroach upon any part of the sidewalk frontage of any adjacent premises, right-of-way, curb cut or alley.

B. A sidewalk cafe must leave a minimum five-foot unobstructed passageway for pedestrians along the entire length of the café area.

C. The holder of a sidewalk cafe permit shall fully insure, indemnify, defend and hold harmless the Town and its officers, agents, and employees in their capacity as such, from and against any and all claims and damages in any way arising out of or through the acts or omissions of the permit holder or its employees in the construction, operation, maintenance, use, placement or condition of the sidewalk cafe. An applicant for a sidewalk cafe shall provide proof of such insurance before a permit may be issued or renewed under this section.

D. At the close of business daily/nightly for the Sidewalk Café, all seating must be removed from the cafe area. The cafe area shall be cleared of all other furniture, planters, ornamentation, debris and obstructions to the sidewalk.

E. An operating establishment shall not sell, serve or allow consumption of alcoholic beverages on its sidewalk cafe without first receiving the required license from the alcohol licensing board. Alcoholic beverages shall not be solely served on the sidewalk café. Alcoholic beverages may be served in a sidewalk café only in conjunction with the service of food. Notwithstanding any contrary or differing hours of operations in its alcoholic beverages license, an establishment shall not sell, serve or allow consumption of alcoholic beverages on its sidewalk cafe after the sidewalk cafe's closing time.

F. The following are prohibited in the cafe area: cooking of food, unshielded trash or refuse storage, advertisements/signage (exclusive of menus intended to be read for café patrons); unlicensed outdoor entertainment, music, speakers or public address systems (these require a special event license by the Town Council); exclusively carry out or take out transactions.

G. A sidewalk cafe shall comply with all other applicable building, health, safety, fire, zoning, and environmental laws, rules, regulations and standards.

H. The sidewalk café operator shall maintain a trash receptacle for the use of its patrons. The trash receptacle must be emptied regularly so as not to produce an unsafe and unsightly nuisance.

22.05 Revocation. The Town Council official may deny, revoke, or suspend the permit for any sidewalk cafe authorized in the Town of Bridgewater if it is found:

1. Any provisions of this Section have been violated.

2. The side walk café operator does not have insurance that is correct and effective in the minimum amount prescribed in Section 22.01.

22.06 Fee. The annual Sidewalk Café Permit fee is \$100.

*Committee Referrals and Dispositions:*

Referral(s)	Disposition(s)
<ul style="list-style-type: none"><li>• Referred to Community &amp; Economic Development Committee</li><li>• Referred to Planning Board</li><li>• All amendments adopted. Duly advertised in Enterprise and on Town Website</li><li>• This measure may be finally considered this evening.</li></ul>	<ul style="list-style-type: none"><li>• Duly advertised for a joint public hearing. 5/2/16 vote recommend adoption with suggested amendments.</li></ul>

**In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, June 21, 2016, to approve the aforementioned Ordinance by a Roll Call vote (7-0) (Councilor Colombotos not present, Councilor Haley absent).**

**A TRUE COPY ATTEST:**

\_\_\_\_\_  
Ann M. Holmberg  
Town Council Clerk

**ROLL CALL VOTE – REQUIRES 2/3 VOTE OF FULL COUNCIL (6)**



## Bridgewater Town Council

In Town Council, Tuesday, June 21, 2016

Council Ordinance: D-2016-002

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Introduced By:	Councilor Peter Colombotos
Date Introduced:	February 23, 2016
First Reading:	February 23, 2016
Second Reading:	May 10, 2016
Amendments Adopted:	May 10, 2016
Third Reading:	May 24, 2016
Fourth Reading:	June 21, 2016
Date Adopted:	June 21, 2016
Date Effective:	July 22, 2016

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### **Ordinance D-2016-002**

#### **ZONING ORDINANCE – OPEN SPACE CONSERVATION DEVELOPMENT**

**ORDERED** that; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Zoning Bylaws, as follows:

*ADD:*

#### Section 2.00 Definitions

Retreat Lot a single large parcel of land created for the purpose of reasonable and safe residential use of backland.

*ADD:*

#### Section 6.12 Retreat Lot

No more than a single Retreat Lot shall be created for any size parcel held in single, common, or affiliate ownership allowed in any residential zone. Under no circumstances shall a retreat lot create driveway curb cuts closer than 25 linear feet from another existing or proposed driveway curb cut.

A Retreat Lot shall meet the following minimum Standards:

1. The subject parcel shall have a minimum lot area of 150,000 square feet.
2. The subject parcel shall have a minimum of 40,000 square feet of contiguous upland area.
3. The minimum lot frontage shall be 30 linear feet.
4. The proposed lot shall maintain a minimum lot width of 30 linear feet.

5. A driveway length shall not exceed 300 linear feet without a hammer head or other method of reversing the direction of a vehicle.
6. The applicant shall submit an Approval Not Required (ANR) Plan under the Subdivision Regulations depicting the Retreat Lot and any conforming lots. The Approval Not Required Plan shall not take the place of the site plan otherwise required for the Special Permit application.

*DELETE:*

#### “6.30 TABLE OF USE REGULATIONS

A. RESIDENTIAL USES (11) Single family dwelling on property containing at least 150,000 sq ft of land area with a minimum of 30 ft. of frontage and maintaining a minimum width of 20ft. Throughout lot for access. (amended 11/10/2003)”

*AMEND:*

#### SECTION 8 LAND SPACE REQUIREMENTS

Notes:

DUPLEXES: Allowed in Residential C & D by Special Permit only.

*DELETE:*

A. RESIDENTIAL USES (13) Open Space Community Development

*ADD:*

A.	PRINCIPAL USE	RES A/B	RES C	RES D	CBD	SBD	BUS B	GAT EWA Y	EAST GAT EWA Y	IND A	IND B	IND E	PD	MHE C
2	One two-family or one duplex on a separate lot	N	SP	SP	N	N	N	N	N	N	N	N	N	N
11	Retreat Lot	SP	SP	SP	N	N	N	N	N	N	N	N	N	N
13	Open Space Conservation Development	SP	SP	SP	N	N	N	N	N	N	N	N	N	N

*DELETE:*

Section 9.20 OPEN SPACE COMMUNITY DEVELOPMENT in its entirety.

*ADD:*

## OPEN SPACE CONSERVATION DEVELOPMENT

### Section 9.1 Intent

The purpose of this section is to preserve large tracts of open space for natural and historical resource protection. Moreover, the intent of this section is to protect and foster the Town of Bridgewater's rural and scenic character by promoting residential development that is in harmony with natural features and traditional landscapes. Finally, providing flexibility of residential development standards and procedures allows the Planning Board to protect, preserve and enhance the natural environment.

## Section 9.2 Special Permit Required

In any residential district the Planning Board is the Special Permit Granting Authority for Open Space Conservation Development (OSCD) as an alternative to a Definitive Subdivision.

## Section 9.3 Minimum Land Area

A minimum of five (5) acres of land area are necessary for OSCD. The parcel of land must have a minimum of fifty (50) feet of frontage on a public right of way.

## Section 9.4 Development Standards

Residential building lots in an OSCD must have a minimum of 10,000 sq ft of lot area, and a minimum of frontage of 25 feet. No residential building shall be located within 25 feet of a public right of way, private way, or common driveway. No residential building shall be within 20 feet of a lot line or within 30 feet of a boundary line. No residential building shall be within 30 feet of common land. Only single family residential units are allowed in an OSCD.

The Planning Board may require larger setbacks and may permit smaller setbacks in order to conform to the stated purposes and intent of the Open Space Conservation Development.

On tracts with pre-existing structures, the area and frontage of the lot retaining the preexisting structure shall not be reduced below the minimum lot size and minimum frontage required in the underlying zoning district.

## Section 9.5 Maximum Number of Dwelling Units

The maximum number of dwelling units permitted in an OSCD shall be computed by dividing the total developable area of the tract by the minimum lot size required for single family development in the underlying zoning district. For the purpose of this computation, the “developable” area shall be the total area of the tract, including the open space and common land, but excluding all streams, ponds, wetlands, floodplains, stormwater basins, and areas subject to existing valid open space (the excluded area for computation does not include buffers).

## Section 9.6 Streets and Utilities

Unless otherwise identified in this section, all streets, sidewalks, sewage, water distribution, drainage and stormwater facilities shall be designed and constructed in compliance with the applicable rules and regulations of the Town of Bridgewater. In all OSCD, rights of way must be 40 feet minimum width. Roads serving 10 or

fewer dwelling units require travel lane pavement minimum width of 20 feet. Roads serving 11-20 dwelling units require travel lane pavement minimum width of 22 feet. Roads serving 20 or more dwelling units require travel lane minimum width of pavement of 24 feet.

All OSCD projects will incorporate multimodal transportation approaches including Complete Streets into the project design; e.g. sidewalks, cross walks, and bicycle circulation facilities. Whenever feasible an OSCD project shall accommodate and encourage multimodal transportation networking opportunities facilitating Complete Streets network connectivity; e.g. walking trails, bicycle lanes, and related infrastructure.

## Section 9.7 COMMON LAND

### A. DIMENSIONAL REQUIREMENTS

In an OSCD, a minimum of sixty percent (60%) of the total tract area shall be set aside as Common Land for the use of the OSCD residents or the general public.

The following are additional requirements:

1. The minimum required area of Common Land shall not contain a greater percentage of wetlands than the percentage of wetlands found in the overall tract of land on which the OSCD is located.
2. Common Land shall be planned as large, contiguous parcels whenever possible. Strips or narrow parcels of Common Land shall be permitted only when necessary for providing access to the Common Land from a public or private way, or if the Planning Board finds that a vegetated buffer strip along the site's perimeter is appropriate and consistent with the purpose of OSCD development.
3. Common Land may be set aside in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses.
4. If the tract of land abuts adjacent Common Land, undeveloped lots or open space, the Common Land, wherever possible, shall be connected to, and remain contiguous with, such adjacent Common Land, undeveloped abutting lots or open space.
5. The Common Land shall include adequate upland public access from a way or street.

## Section 9.8 USE OF COMMON LAND

1. The Common Land shall be dedicated and used for natural resource protection, recreation, park purposes, outdoor education, agriculture, horticulture, or forestry, or for any combination of such uses. No other uses shall be allowed in the Common Land, except as follows:
  - a. A portion of the Common Land may be also be used for the construction of leaching areas associated with septic disposal systems serving the OSCD or for water supply wells serving the OSCD, if the Planning Board determines that such use will enhance the specific purpose of Open Space Conservation Development and



promote better overall site planning. Septic disposal easements shall be no larger than reasonably necessary and must be identified in submitted application and plans.

If any portion of the Common Land is used for the purpose of such leaching areas or wells, the Planning Board shall require adequate assurances, deed restrictions and covenants that such facilities shall be maintained by the lot owners within the OSCD.

b. A portion of the Common Land may also be used for ways serving as pedestrian walks, bicycle paths and emergency access or egress to the OSCD or adjacent land, but only upon the determination of the Planning Board that such a use will enhance the specific purpose of Open Space Conservation Development and promote better overall site planning, and if the Board finds that adequate assurances, deed restrictions and covenants exist to ensure proper maintenance of such facilities by the owner of the Common Land.

c. The Common Land may be subject to easements for the construction, maintenance, and repair of utility and drainage facilities serving the Open Space Conservation Development or adjacent parcels.

2. The Common Land shall remain vacant, provided that an overall maximum of five (5) percent of such land may be subject to pavement and structures accessory to the dedicated use or uses of the Common Land or as otherwise permitted herein.

3. The proposed use of the Common Land shall be specified prior to plan approval and appropriate dedications and restrictions shall be imposed on the deed of the Common Land.

4. The Planning Board shall have the authority to approve or reject particular uses proposed for the Common Land in order to enhance the specific purposes of Open Space Conservation Development, and to further efforts to equitably distribute a variety of open space benefits throughout the community.

## Section 9.9 OWNERSHIP OF COMMON LAND

1 The Common Land, in whole or part, shall be conveyed to and accepted by the Town of Bridgewater; or to a suitable and verifiable nonprofit organization dedicated to the preservation, conservation, stewardship, and management of the Common Land. The Bridgewater Town Council shall approve the form of ownership of the Common Land.

2. If any portion of the Common Land is not conveyed to the Town of Bridgewater, a perpetual conservation or use restriction, approved by the Planning Board and enforceable by the Town of Bridgewater, shall be imposed on the Common Land, providing that the land be kept in its open or natural state and that the land shall not be

built upon or developed or otherwise utilized except in accordance with provisions of the OSCD as set forth herein and, if applicable, as further specified in the conditions and decision of the Planning Board approval governing the individual OSCD project.

3. The proposed ownership of all Common Land shall be specified on a plan required by the Planning Board.

4. At the time of its conveyance, the Common Land shall be free of all encumbrances, mortgages or other claims, except as to easements, restrictions and encumbrances required or permitted by this ordinance.

#### Section 9.10 MAINTENANCE OF COMMON LAND

If the Common Land is to be held by a homeowners association, or other approved entity, a management plan shall be prepared establishing responsibilities and schedules for maintenance of the Common Land.

## Section 9.11 ADDITIONAL DESIGN CRITERIA

### A) FOUR-STEP DESIGN PROCESS.

Each plan for Open Space Conservation Development shall follow a four-step design process, as described below. Upon submitting an application, applicants shall demonstrate to the Planning Board that these four design steps were utilized in determining the layout of their proposed streets, house lots, and open space.

#### 1. Designating the Open Space.

First, identify the open space to be protected.

The open space shall include, to the extent feasible, the most sensitive and noteworthy natural, scenic and cultural resources on the property.

#### 2. Location of House Sites.

Second, locate the potential house sites.

House sites shall be located not closer than 100 feet to wetlands, but may be situated within 50 feet of open space areas (other than the wetlands), in order to enjoy views of the latter without negatively impacting the former.

#### 3. Street and Lot Layout.

Third, align the proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that minimizes adverse impacts on open space. To the greatest extent practicable, wetland crossings shall be discouraged, .

#### 4. Lot Lines.

Fourth, sketch applicable lot lines, generally drawn midway between house locations.

### B) IN ADDITION TO THE STANDARDS SET FORTH IN THE PREVIOUS SECTIONS OF THIS SECTION

The OSCD shall be designed with the following objectives, in order of priority:

1. Septic systems shall be placed on the most suitable soil for subsurface septic disposal.
2. Buildings shall be sited within any woodland contained in the parcel or along the edges of the open fields adjacent to any woodland as to reduce any impact upon the site's natural, scenic and cultural resources, and to enable new construction to be visually absorbed by the natural landscape features.
3. Buildings shall be sited in locations where the greater number of units can be designed to take maximum advantage of solar heating opportunities.

**ROLL CALL VOTE – REQUIRES 2/3 OF FULL COUNCIL (6)**

4. Buildings shall be sited to avoid sensitive environmental features, including wildlife habitat, wetlands, water bodies, steep slopes or other important site features.

5. New structures may be sited in clusters close to an existing public road to reflect the traditional locations, patterns and setbacks of nearby buildings. Such roadside clusters shall be compatible with the scale of the surrounding neighborhood and shall maintain at least 75% of the existing undeveloped road frontage in conservation. Architectural design of new structures (proportions, roof pitches, exterior materials and fenestration) shall reflect the character of nearby existing structures.

## Section 9.12 SPECIAL PERMIT APPLICATIONS AND PROCEDURES

An application for an Open Space Conservation Development special permit shall encompass the entire Open Space Conservation Development.

### 1. Pre-Application Meeting

Prior to submission of the Special Permit application, applicants are required to meet with requisite Town Offices or other Board designees to review the proposed development of the parcel of land and explore general conditions involving the site and reveal potential problems. Concept plans will assist in this discussion, and should show the critical features to be included in the special permit application as set forth in below. Applicants are strongly encouraged to submit a preliminary plan application to the Planning Board for review.

### 2. OSCD REQUIRING SUBDIVISION APPROVAL

If the Open Space Conservation Development requires approval under the Subdivision Control Law, the "Open Space Conservation Development Site Plan" shall contain a plan in the form and with the contents required of a Definitive Subdivision Plan by the Bridgewater Subdivision Rules and Regulations. The applications for an OSCD Special Permit and for approval of a Definitive Subdivision Plan shall be filed concurrently. To the extent permitted by ordinance, the Planning Board shall consider both applications at the same time.

### 3. PLANNING BOARD ACTION

A. In evaluating the proposed OSCD, the Planning Board shall consider the following:

- 1) The general purpose and objectives of this ordinance;
- 2) The existing and probable future development of the surrounding areas;
- 3) The appropriateness of the proposed layout of streets, ways, lots and structures; and
- 4) The proposed layout and use of the Common Land in relation to the proposed dwelling units in the OSCD, adjoining public or private common land or open space or the topography, soils and other characteristics of the tract of land in question; and
- 5) To the extent reasonable, whether the areas designated as Common Land are consistent with the objectives stated in the Town of Bridgewater Open Space and Recreation Plans as well as the Master Plan.

**ROLL CALL VOTE – REQUIRES 2/3 OF FULL COUNCIL (6)**

B. The Planning Board may grant a special permit for an OSCD if the Board finds that the OSCD:

- 1) Complies with the requirements of this chapter, other applicable requirements of the Zoning Ordinances, and where applicable, the construction and design standards of the Town of Bridgewater Subdivision Rules and Regulations.
- 2) Is consistent with the purposes of this section; and
- 3) Is in harmony with the existing uses of the area and complementary to the character of the surrounding area and neighborhood.

C. In addition, in order to grant a special permit for an OSCD, the Planning Board must find that the number of housing units to be developed in the OSCD will not exceed by more than ten percent (10%) the number of house lots that could be developed under standard lot area frontage requirements.

#### Section 9.13 SPECIAL PERMIT CONDITIONS

As condition of approval, the Planning Board may require such changes in the proposed development plans and may impose such conditions and safeguards as it deems necessary to secure the objectives of this ordinance, and to protect the health, safety and welfare of the inhabitants of the area and of the Town of Bridgewater. The Special Permit shall specify the timing for conveyance of the Common Land.

#### Section 9.14 CHANGE IN PLANS UPON GRANTING OF SPECIAL PERMIT

No major or minor change in any aspect of the approved plans shall be permitted without the written approval of the Planning Board. A revised special permit will be required if the Planning Board determines any proposed change to be major.

#### Section 9.15 BUILDING PERMITS

No building permit shall be issued for any structure within an OSCD unless said structure is in full compliance with this ordinance and the terms and conditions of any Special Permit thereunder. The Planning Board is the Special Permit Granting Authority (SPGA) for this Ordinance.

##### Committee Referrals and Dispositions:

<b>Referral(s)</b>	<b>Disposition(s)</b>
<ul style="list-style-type: none"><li>• Referred to Community &amp; Economic Development Committee</li><li>• Referred to Planning Board</li><li>• This measure has been duly advertised in the Enterprise and on the Town's website.</li></ul>	<ul style="list-style-type: none"><li>• Joint meeting/hearing with Planning Board 3/21/16. Will provide disposition to full Council 3/22/16.</li></ul>

**In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, June 21, 2016, to approve the aforementioned Ordinance by a Roll Call vote (8-0) (Councilor Haley absent).**

**A TRUE COPY ATTEST:**

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Ann M. Holmberg  
Town Council Clerk

**ROLL CALL VOTE – REQUIRES 2/3 OF FULL COUNCIL (6)**



## Bridgewater Town Council

In Town Council, Tuesday, January 24, 2017

Council Ordinance: D-2016-004

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Introduced By:	Councilor Kevin Perry
Date Introduced:	February 2, 2016
First Reading:	February 2, 2016
Second Reading:	February 23, 2016, March 8, 2016, December 20, 2016
Amendments Adopted:	December 20, 2016
Third Reading:	January 24, 2017
Date Adopted:	January 24, 2017
Date Effective:	February 24, 2017

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### Ordinance D-2016-004

#### **WIRELESS COMMUNICATION FACILITIES**

**ORDERED** that; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater General Ordinances, by adding a new section, Chapter 325 Article 1, Wireless Communications Facilities as follows:

##### **.01 Authority, purpose, scope and intent.**

The purpose of this chapter is to allow the development of adequate Wireless Communication Facilities while assuring the public safety and preserving the general welfare and protecting the scenic, historic, environmental, and natural resources of the community. In adopting the rules and regulations herein, the Town acts in its proprietary capacity as to Town property and the publicly owned right of way as defined herein, and pursuant to its police powers as to portions of the public right-of-way in which the fee title is not held by the Town.

Furthermore, it is the intent in adopting the rules and regulations herein to appropriately manage the development of wireless communications facilities in a manner that recognizes and enhances the community and economic benefits of wireless communication technology while accommodating the need for installation of wireless communications facilities in accordance with applicable Federal and State rules and regulations.

The Bridgewater Town Council is authorized to permit private parties to place wireless communications facilities on certain areas of Town property, subject to the rules and policies stated herein.

##### **.02 Applicability.**

The requirements of this chapter apply to all wireless communications facilities (WCFs) that transmit and/or receive electromagnetic signals, including, but not limited to, personal communications services and radio and television broadcast facilities within the Town of Bridgewater, on town property, or the public right-of-way. This chapter is intended to be consistent with the Telecommunications Act of 1996 and its successors and all relevant state regulations.

##### **.03 Definitions.**

For the purposes of this ordinance the following terms shall apply:

"Antenna" means a device which is attached to a Pole, Tower or a Host Structure, as permitted hereunder, for transmitting and receiving wireless service transmissions.

"Distributed Antenna System" (DAS) means multiple antenna system including antennas and control boxes typically installed on utility poles interconnected via cable or fibers belonging to the access point/base station dispersed across a coverage area. The system shall be capable of co-locating multiple Wireless Service providers simultaneously.

"Encroachment" means any facility, tower, pole, pole line, fence, stand or building, underground vault, or any structure or object of any kind or character not particularly mentioned herein, which is placed in, under or over any portion of the public right-of-way.

"Essential utility service" means a utility service that is necessary for the health, welfare and safety of the public.

"Facility" means any tower, antenna structure, pole, pole line, fence, stand or building, cables, cabinets, small cell, distributed antenna systems, ducts, conduits, converters, equipment, drains, utilities, vaults, other appurtenances or tangible things, or any structure or object of any kind or character not particularly mentioned herein, owned, leased, operated, or licensed by an applicant or other person or entity, that is located or is proposed to be located in the public right of way or Town property.

"Host Structure" means any building or structure, other than a Tower, including utility poles, signs and flagpoles, upon or within which a new Wireless Service Facility, Small Cell or other Telecommunication device or major modification thereof is proposed, including, without limitation, any newly constructed building or structure or any addition to any existing building or structure upon or within which installation of a Wireless Service Facility, Small Cell or other Telecommunication device is simultaneously proposed.

"Modification of an Existing Facility" means any change, or proposed change, to an existing or permitted Facility designed to support wireless communication transmission, receiving and/or relaying antennas and/or equipment

"Open space facility" means any town owned trail, green space, farm or pasture land, or otherwise vacant land inclusive of buildings or structures.

"Park facility" means any town owned passive or active recreational area, grounds, fields, or green space inclusive of buildings or structures.

"Public right-of-way" means any public highway, street, alley, sidewalk, pathway, and all extensions or additions thereto that is either owned, operated, or controlled by the Town, or its various boards, commissions or agents, or is subject to an easement or dedication to the Town, or is privately owned area within Town's jurisdiction which is not yet but is designated as a proposed public right-of-way on a tentative subdivision map approved by the Town.

"Small cell" means low-powered radio access nodes that operate in licensed and unlicensed spectrum that have a limited operating range and considered a Wireless Service Facility.

"Telecommunication" means the transmission between or among points specified by the user of information of the user's choosing, without change in the content of information as sent and received.

"Town property" means real property over which the Town: (a) holds an interest, including, without limitation, fee title ownership, easement, leasehold, and public street right-of-way; or (b) has the present right of possession and control.

"Utility pole" means one of a series of poles located in the public right of way and used to support wires and other equipment and infrastructure used by utilities, as in telephone and electric companies.



“Wireless Services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

“Wireless Services Facility” (also referred to herein as a “Facility”) means all equipment (including any repeaters, antennae, small cell, wifi, DAS, or other similar equipment) with which a Wireless Service Provider broadcasts and receives the radio-frequency waves that carry their services and all locations of said equipment and any part thereof. This Facility may be sited on a Tower or other structure, as provided herein.

#### **.04 General requirements.**

The following are general requirements regarding all wireless communications facilities (WCFs) transmitting and/or receiving electromagnetic signals, including, but not limited to, personal communications services (cellular, voice and data) and radio and television broadcast facilities and apply to Town property and the public right-of-way:

- A. All Wireless Communication Facilities must fully comply with the FCC’s regulations concerning radio frequency emissions and other applicable federal requirements.
- B. All Wireless Facilities must comply with applicable State and local Building Codes and Safety Standards. All WCFs are required to have valid requisite building and electrical permits.
- C. All Wireless Facilities, whenever possible, are encouraged to utilize requisite concealment or stealth technology in Design and Location Preferences.
- D. Wherever possible, new wireless communications facilities in the public right-of-way and on Town property are encouraged to co-locate so as to minimize encroachment.
- E. All Wireless Communication Facilities are subject to the application requirements described in Section X.060 shall apply to requests for wireless communications facilities in the public right-of-way and on Town property.
- F. The requirements specified in Section.050 shall apply to all wireless communications facilities that are not exempt as defined herein or found by the Town Council, by approval of a waiver or modification, to meet the findings required in or the findings as described herein.

#### **.05 Specific requirements.**

All wireless communications facilities (WCFs) that transmit and/or receive electromagnetic signals, including, but not limited to, personal communications services (cellular voice and data transmission) and radio and television broadcast facilities the following additional requirements and exceptions apply to Town property and the public right-of-way.

##### **A. Requirements Applicable to Facilities on Town Property.**

- 1. The Town may grant licenses or enter into leases to use Town property when such use serves the public interest, is required by statute, or is of such a casual, temporary or occasional nature as not to unduly interfere with the public use thereof.

##### **B. Requirements Applicable to Facilities in the Public Right-of-Way.**

- 1. No support structures other than utility poles or requisite guy wires are permitted. The Town Council may approve the replacement of an existing pole if it generally comports with the appearance of the existing pole or placement of a new pole if requisite and the proposed pole does not impede the public right of way.

2. Unless absolutely necessary, no new utility or street light poles shall be installed in areas where there are no existing overhead utility facilities.
3. No facility shall be located on a utility pole that is less than twenty-five feet in height.
4. An antenna array shall not extend more than five (5) feet beyond the top of a utility pole.
5. A co-located antenna array may extend up to eight (8) feet above the height of the pole subject to approval by the Town Council.
6. Panel antennas shall not exceed the height of the pole and shall extend no more than six inches from the pole unless it can be demonstrated that technical considerations require the facility to extend farther from the pole.
7. Facilities in the public right-of-way shall comply with any relevant development standards except for temporary emergency facilities, preexisting facilities, co-located facilities that are exempt pursuant to State law.
8. Equipment structures and cabinets shall be installed underground unless it can be determined that an above-ground facility is required. Above ground facilities shall not impede pedestrian access or impact vehicular circulation.
9. As a condition of license approval of a facility in the public right-of-way, the applicant shall agree to maintain a liability insurance policy, naming the Town of Bridgewater as an additional insured, in an amount that meets or exceeds the minimum liability limit and requirements that the Town Manager or designee establishes.

**.06 License required.**

A. Town Property. A license for a wireless communications facility pursuant to this section is required, unless otherwise exempt as defined herein, prior to the installation of any wireless communications facility on Town property or public right of way.

B. Right-of-Way.

1. Any person or firm desiring to erect, construct or maintain any pole, wireless communications facility, structure or other similar facility in, on, under, over or above any public property or public right-of-way must first obtain a wireless communication facility license. An application for a Wireless Communications Facility license is required.
2. The following facilities may be reviewed by the Town Manager or designee subject to the requirements of this chapter and the Town Council's discretion:
  - a. On existing power poles or other structures in the right-of-way;
  - b. A distributed antenna system that is comprised of antennas installed on more than one of the support structures listed herein.
3. Conditions of Approval. In approving a license pursuant to this section the Town Council may impose any conditions allowed by applicable Federal and State law that are deemed necessary to ensure compliance with the findings required herein, including but not limited to requiring:
  - a. Future modification of an installation that is not a stealth facility to further reduce or eliminate its aesthetic impacts based on the results of a review process, which shows that new technology is available and could be employed to reduce the facility's visual and aesthetic impacts;

b. Periodic review, at the license holder's expense, by a qualified independent engineer, approved by the Town, to ensure compliance with the most current federal and State regulatory and operational standards including, but not limited to, FCC radio frequency emission standards and Federal Aviation Administration height standards.

c. Periodic review to verify that the license holder and any authorized representative of the license holder is in full compliance with the Town of Bridgewater applicable codes, the Massachusetts Motor Vehicle Code, DEP regulations and OSHA standards with regard to noise, construction, vehicles, property maintenance and other such codes and regulations that are applicable to the operation, maintenance, construction and management of the facility and site.

d. Allowing co-location with other existing WCF and accommodating the future co-location of other future facilities, where technically, practically, and economically feasible. The Town of Bridgewater reserves the right to notify other registered wireless communication providers of new WCF applications to promote co-location.

e. Evidence of a removal bond, surety, or other documentation, sufficient in amount to ensure removal for the wireless telecommunication antennas.

C. Post-Approval Requirements. To ensure that wireless communications facilities continue to meet the requirements of this chapter, post-installation verification shall be required.

1. Validation of Proper Operation. Within sixty calendar days of commencement of operations, the license holder shall provide verification by qualified experts that the RF levels comply with FCC regulation and that all equipment complies with DEP standards for noise.

2. The license holder shall provide biannual certification that RF levels comply with all FCC regulations and that all equipment complies with DEP standards for noise.

The license holder shall report to the Town annually, in conjunction with license, contact information for the license holder and the agent responsible for maintenance of the wireless communications facility. Emergency contact information shall be included.

#### **.07 Wireless Communication Facility Location Required findings.**

In addition to any other findings that may be required pursuant to this section, in order to approve any Wireless Communication Facility license for a facility subject to regulation under this chapter the Town Council must make all of the following findings that are applicable to the facility based on the nature of the license, substantial information in the record, including, where required, technical analysis by a radio frequency engineer, calculations by a State-licensed structural engineer, or other evidence:

A. The proposed use is permitted in the public right-of-way and complies with all applicable provisions of this section;

B. The proposed wireless communications facility will not interfere with the use of the public property or public right-of-way and existing improvements and utilities thereon;

C. The proposed wireless communications facility will not interfere with existing subterranean infrastructure and will not impede emergency access;

D. The proposed wireless communications facility will not physically or visually interfere with vehicular, bicycle, and/or pedestrian use of streets, intersections, bicycle lanes, driveways, sidewalks, and/or walkways;

E. The proposed wireless communications facility has been designed to complement the surrounding area and the facility is appropriately designed for the specific site, to the maximum extent reasonably feasible;

F. That installation at a preexisting location is not reasonably feasible, when the proposed wireless communications facility will not be installed at a preexisting wireless communication facility location.

**.08 Fee Schedule.**

Facility License	Application Fee	Renewal Fee	Annual License Fee per Site	Review Fee	Annual Escalation
Small Cell, DAS, etc.	\$200	\$100	\$3,000	If necessary	2.0 % annually
Small Cell, DAS Colocation	\$200	\$100	\$1,500	If necessary	2.0% annually

**.09 Termination.**

A. The Town of Bridgewater reserves the right to terminate a wireless communications facility license at any time upon ninety days' written notice of said termination (except in cases of emergency) in the event the Town determines the wireless communications facility creates a public nuisance or otherwise causes jeopardy to the public health, welfare or safety, and upon written notice and opportunity to cure.

B. In the event of termination pursuant to this section and if requested in writing by the Town, the license holder shall remove its wireless communications facility at its own expense and shall repair and restore all Town right-of-way or Town property affected by the placement, maintenance, and removal of the wireless communications facility to a condition that existed prior to the installation of the wireless communications facility or as required by the Town.

C. No wireless communications facility encroachment permit application which has been denied in whole or in part shall be filed again within 90 days from the date of such denial except upon proof of changed conditions or by written permission of the Town.

**.010 License Application Requirements**

An application for a Wireless Communication Facility license under this Chapter shall include all of the following:

a. A site plan showing location of the Facility, any proposed communications equipment structure, including proposed underground structures, and any other buildings, property lines, easements, rights-of-way and elevations showing details of the installation.

b. Where the Applicant is not the owner of record, evidence of the Applicant's right to possession and/or control of the premises shall be presented. Without limiting the foregoing, every application must be joined by a Wireless Service provider who will be an immediate user of the proposed Wireless Communication Facility.

c. A narrative description of the proposed Wireless Communication Facility including the location and identification of all components, buildings and equipment together with plans, photographs or other graphic illustrations fairly depicting the physical appearance of the proposed Facility equipment when installed.

d. A description of the capacity of the Facility, including the number and types of antennae that it can accommodate and the basis for calculation of capacity. Description of the proposed equipment should include data as to noise, certified by an acoustical engineer, and the beam widths at ground level for the energy outputs from each Antenna sector and degree of down-tilt of each antenna.

e. A locus map illustrating the location of the equipment.

f. A map showing all the Wireless Communication Facilities within one mile of the proposed installation currently existing, or which the applicant expects to install and/or reasonably knows will be proposed or installed by other Wireless Service providers within the next twenty-four (24) months.

- g. A listing of the state and/or federal permits, licenses or approvals acquired or needing to be acquired for the proposed installation.
- h. A description in both geographic and radio frequency terms of the scope and quality of the service currently available to the Town, the need to be addressed by the Facility and the manner in which the Facility will address the perceived need for service, including, in the case of a Tower, consideration given to other alternatives.
- i. A description of the terms of any co-location agreements between the Applicant and any other Wireless Service or telecommunication provider.
- j. Payment of application fee or fees per proposed site or sites.
- k. A completed license form.

**.011 Exemptions**

Wireless Communication Facilities solely providing safety or emergency services for any federal, state or municipal department are exempt from this chapter.

Wireless Communication Facilities on certain parcels of Town Property as determined by the Town Manager, Town Counsel or designee may be subject to the MGL Chapter 30B Uniform Procurement Act requiring a signed and executed lease agreement between the carrier, agent or assignee, and the Town.

**.012 Severability**

Should any part of this ordinance, or any subsection herein, be rendered unconstitutional or invalid by a court of competent jurisdiction all other sections shall remain valid and in force.

**.013 Indemnification**

The license holder shall indemnify, or otherwise hold harmless, the Town of Bridgewater, and its agents or representatives, from any damages resulting from the operation, maintenance or malfunction of equipment installed on Town property or the public right of way.

***Committee Referrals and Dispositions:***

<b>Referral(s)</b>	<b>Disposition(s)</b>
<ul style="list-style-type: none"> <li>• Referred to Rules &amp; Procedures Committee</li> <li>• Advertised in Enterprise 1/13/17.</li> </ul>	<ul style="list-style-type: none"> <li>• 2/23/16: Rules &amp; Procedures Committee postponed action on this measure to 3/8/16. The committee will provide their disposition to the full Council at that time.</li> <li>• 3/8/16: Tabled in committee pending additional information.</li> <li>• 12/13/16: Vote 3-0 recommend approval with amendment. Return to full council.</li> </ul>

**In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, January 24, 2017, to approve the aforementioned Ordinance by a Roll Call vote (9-0).**

**A TRUE COPY ATTEST:**

\_\_\_\_\_  
Ann M. Holmberg  
Town Council Clerk



## Bridgewater Town Council

In Town Council, Tuesday, June 21, 2016

Council Ordinance: D-2016-005

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Introduced By:	Councilor Peter Colombotos
Date Introduced:	March 8, 2016
First Reading:	March 8, 2016
Second Reading:	May 10, 2016
Amendments Adopted:	May 10, 2016
Third Reading:	June 7, 2016
Fourth Reading:	June 21, 2016
Date Adopted:	June 21, 2016
Date Effective:	July 22, 2016

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### **Ordinance D-2016-005**

#### **DEMOLITION DELAY ORDINANCE**

**ORDERED** that; pursuant to M.G.L., Chapter 40A, Section 5, the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Zoning Bylaws, as follows:

##### **.01 Intent and Purpose**

This ordinance is enacted to preserve and protect significant buildings within the Town of Bridgewater and to limit the detrimental effect of demolition on the character of the Town of Bridgewater. By preserving and protecting significant structures, streetscapes and neighborhoods, this ordinance promotes the public welfare by making the Town of Bridgewater a more attractive and desirable place to visit, live and work. Through implementation of this ordinance, owners of preferably preserved structures are encouraged to seek out alternative options that will preserve, rehabilitate or restore such structures and residents of the Town of Bridgewater are alerted to impending demolitions of significant structures. The issuance of demolition permits is regulated through this ordinance.

During the period of demolition delay, the Historical Commission shall assist the owner of a preferably preserved building in identifying opportunities to move, restore, reuse or otherwise protect and preserve a building so deemed.

##### **.02 Definitions**

“Applicant” means any person or entity who files an application for a demolition permit. If the applicant is not the owner of the property where the building is situated, the owner must endorse filing the application.

“Application” means the forms, fees and process for permission to demolish a structure.

“Building” means any three dimensional enclosure by any building materials of any space, for any use or occupancy, temporary or permanent, and shall include foundations in the ground, also all parts of any kind of structure above ground, except fences and field or garden walls or embankment retaining walls.

“Building Official” means the person occupying the Office of Building Official, or any designee authorized to issue demolition permits.

“Commission” means the Town of Bridgewater Historical Commission.

“Demolition” means the act of pulling down, destroying, removing, dismantling or razing a structure in full or in part.

“Demolition permit” means the permit issued by the Building Official for the demolition of a structure, excluding any permit issued solely for the demolition of the interior of a structure.

“Preferably preserved” means a significant structure that the Commission determines, following a public hearing, is in the public interest to preserve rather than demolish. A preferably preserved structure is subject to the sixty day demolition delay period of this ordinance.

“Significant” structure means any structure within the Town of Bridgewater constructed in the year 1920, or prior, that is determined by the Historical Commission to be significant based on any of the following criteria:

- The structure is listed in, or is within an area listed in, the National Register of Historic Places; or
- The structure is eligible for the National Register of Historic Places; or
- The structure is historically or architecturally important (in terms of period, architectural style, method of construction or association with a universally recognized architect or builder) either by itself or in the context of a group of structures.

### **.03 Procedure**

For any structure constructed in the year 1920, or prior, no demolition permit shall be issued without complying with the provisions of this ordinance.

An applicant proposing to demolish a structure subject to this ordinance shall file with the Building Official an application containing the following information:

- Official Town of Bridgewater demolition permit application.
- The address of the structure slated for demolition.
- The property owner's name, address, email address and telephone number.
- A description of the structure, including year constructed.
- The specific reasons for requesting a demolition permit.
- A description of the proposed reuse, reconstruction or replacement of the structure.
- Images of the structure.

Initial Determination -- The Building Official shall within seven calendar days of receipt of an application forward a copy of the application to the Commission. The Commission shall within fourteen calendar days

after receipt of the application hold a meeting and make a written determination of whether the structure is significant.

Determination of Not Significant -- Upon determination by the Commission that the structure is not significant, the Commission shall immediately notify the Building Official and applicant in writing. The Building Official shall then issue the demolition permit.

Determination of Significance -- Upon determination by the Commission that the structure is significant, the Commission shall immediately notify the Building Official and the applicant in writing. No demolition permit may be issued unless the Building Official determines the building an imminent threat to public safety as set forth herein or otherwise outlined in the building code or general laws. If the Commission does not notify the Building Official within fourteen calendar days of receipt of the application, the Building Official shall proceed to issue the demolition permit.

Should the Commission find that the structure is significant, it shall hold a public hearing within twenty-one calendar days of the written notification to the Building Official. If agreed to in writing by the applicant, the determination of the Commission may be continued beyond the twenty-one calendar days. At the public hearing the Commission shall decide whether the structure should be preferably preserved.

If the Commission determines that the building is not suitable to be preferably preserved, the Commission shall immediately notify the Building Official and applicant in writing. The Building Official shall then issue the demolition permit.

If the Commission determines that the structure is to be preferably preserved, the Commission within fourteen calendar days shall notify the Building Official and applicant in writing. No demolition permit shall be issued for a period, not to exceed, sixty days from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Official in writing within fourteen calendar days of the public hearing, the Building Official shall issue the demolition permit provided all other requirements of the demolition permit are fulfilled.

Upon a determination by the Commission that any structure subject of an application is a preferably preserved structure, no building permit for new construction or alterations on the premises shall be issued for a period of sixty days from the date of the determination unless otherwise agreed to by the Commission.

No permit for demolition of a structure determined to be a preferably preserved structure shall be granted until all plans for future use and development of the site have been filed with the Building Official and have found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, an approved site plan for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

The Building Official shall issue a demolition permit or a building permit for a preferably preserved structure within sixty days if the Commission notifies the Building Official in writing that the Commission finds that the



intent and purpose of this ordinance is served even with the issuance of the demolition permit or the building permit.

Following the sixty day delay period, the Building Official shall issue the demolition permit.

#### **.04 Administration**

The Commission may adopt such rules and regulations as are necessary to administer the terms of this ordinance.

The Town Council is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this ordinance.

The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a staff member of the Town of Bridgewater.

### **.05 Emergency Demolition**

Upon determination of imminent danger to the public health or safety, the Building Official shall issue an emergency demolition permit to the owner of the structure. Nothing in this ordinance shall subvert the statutory authority of the Building Official or otherwise preclude the Building Official from executing the duties and responsibilities of that office.

### **.06 Enforcement and Remedies**

Any owner of a structure subject to this ordinance that demolishes a structure without first obtaining a demolition permit in accordance with the provisions of this ordinance shall be subject to a fine of not more than Three-Hundred (\$300) Hundred Dollars. Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished structure is completed as determined by the Commission or unless otherwise agreed to by the Commission.

If a structure subject to this ordinance is demolished without first obtaining a demolition permit, no building permit shall be issued for a period of two years from the date of the demolition on the subject parcel of land or any adjoining parcels of land under common ownership and control unless the building permit is for the faithful restoration referred to above or unless otherwise agreed to by the Commission.

### **.07 Historic District Act**

Nothing in this ordinance shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws Chapter 40C. If any of the provisions of this ordinance do so conflict, that act shall prevail.

### **.08 Severability**

Should any phrase, clause, sentence, paragraph or section of this chapter be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this chapter.

#### *Committee Referrals and Dispositions:*

<b>Referral(s)</b>	<b>Disposition(s)</b>
<ul style="list-style-type: none"><li>• Community &amp; Economic Development Committee</li><li>• Planning Board</li> <li>• Duly advertised in Enterprise 5/27/16 and on Website</li><li>• At their meeting held 6/7/16, the Town Council voted to postpone this measure to their next meeting.</li></ul>	<ul style="list-style-type: none"><li>• Joint Public Hearing scheduled for 4/4/16 at 7:00 p.m. for CEDC and Planning Board. Hearing continued to 5/2/16. Recommend adoption of ordinance as amended.</li></ul>

**In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, June 21, 2016, to approve the aforementioned Ordinance by a Roll Call vote (6-2) (Councilors Wright and Sousa in the dissent, Councilor Haley absent).**

**A TRUE COPY ATTEST:**

---

Ann M. Holmberg  
Town Council Clerk



## Bridgewater Town Council

In Town Council, Tuesday November 1, 2016

Council Ordinance: D-2016-006

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Introduced By:	Councilors Aisha Losche and William Wood
Date Introduced:	April 26, 2016
First Reading:	April 26, 2016
Second Reading:	May 24, 2016
Amendments Adopted:	May 24, 2016, October 4, 2016
Third Reading:	July 12, 2016
Fourth Reading:	October 4, 2016
Fifth Reading:	November 1, 2016
Date Adopted:	November 1, 2016
Date Effective:	December 2, 2016

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### Ordinance D-2016-006

#### **REVOCATION OF GENERAL BYLAWS AND ADOPTION OF ORDINANCES**

**Ordered** that, that the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to revoke in their entirety the Town of Bridgewater Massachusetts General Bylaws, and to adopt the attached Town of Bridgewater General Ordinances.

#### *Committee Referrals and Dispositions:*

Referral(s)	Disposition(s)
<ul style="list-style-type: none"><li>• Referred to Rules &amp; Procedures Committee</li><li>• Advertised in the Enterprise 7/1/16 and on the Town's website, therefore may be finally considered this evening.</li><li>• 7/12/16: Referred back to Rules &amp; Procedures Committee for additional review.</li><li>• This measure has been duly advertised in the Enterprise and on the Town's website, therefore may be finally considered this evening.</li></ul>	<ul style="list-style-type: none"><li>• 5/17/16: Vote recommend approval for advertising as amended.</li><li>• 10/3/16: Vote accept amendments and recommend return to full Council with amendments.</li></ul>

In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, November 1, 2016, to approve the aforementioned Ordinance by a Roll Call vote (9-0).

**A TRUE COPY ATTEST:**

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Ann M. Holmberg  
Town Council Clerk

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## Part III

### Chapter 1

#### Article II. Non Criminal Enforcement of Violations

##### Section 1. Alternative method of enforcement.

Noncriminal disposition shall be an alternative method of enforcement of Town ordinances. Any fine issued under this Chapter may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

##### Section 2. Enforcing officials designated.

- A. Any ordinance of the Town of Bridgewater, or rule or regulation of its boards, commissions and committees, the violation of which is subject to a specific penalty, may in the discretion of the Town official who is the appropriate enforcing person, be enforced in the method provided in §21D of Chapter 40 of the General Laws.
- B. "Enforcing person," as used in this article, shall mean:
  - (1) The Town Manager or any police officer of the Town of Bridgewater, with respect to any offense; and
  - (2) The Building and Zoning Official and his designees;
  - (3) The Conservation Agent and his designees;
  - (4) The Health Agent and his designees;
  - (5) The Tree Warden and his designees;
  - (6) The Animal Control Officer and his designees;
  - (7) The Fire Chief and his designees;
  - (8) The DPW Director and his designees; and
  - (9) Such other officials as the Town Manager may from time to time designate, each with respect to violation of ordinances and rules and regulations within their respective jurisdictions.
- C. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

##### Section 3. Schedule of Fines.

The following shall be the schedule of fines for the method of enforcement authorized by Section 2.A.:

Chapter/Section Subject	Fine
Ch. 14. Canine Control	First Offense \$75, Second Offense \$100, Third Offense \$150, and Forth and subsequent Offenses \$200
Ch. 20. Boats and Waterways	\$100 for first and each subsequent Offense
Ch. 50. Buildings/Sec. 1. Requirements	\$100 for first and each subsequent Offense
Ch. 74/Article 1. Numbering on Dwelling	\$20
Ch. 74/Article 2. Storage of Rubber Tires	First Offense \$100, Second Offense \$200, Third and Following Offenses \$300
Ch. 74/Article 3. Fire Alarm Systems	\$50 for first and each subsequent Offense
Ch. 74/Article 4. Secure Key Box	\$50 for first and each subsequent Offense
Ch. 110/Section 1. Handicapped Parking	First Offense \$100, Second Offense \$200, Third and Following Offenses \$300
Ch. 135/Article III. Repair of Motor Vehicles	\$100 for first and each subsequent Offense
Ch. 157/Article I. Parades and Public Gatherings	First Offense \$20, Second Offense \$50, Third and Following Offenses \$100
Ch. 160. Peace and Good Order	First Offense \$20, Second Offense \$50, Third and Following Offenses \$100

Ch. 220/Article I. Use of Water	First Offense \$100, Second Offense \$200, Third and Following Offenses \$300
Ch. 220/Article II. Water Systems	First Offense \$100, Second Offense \$200, Third and Following Offenses \$300
Ch. 220/Art. IV. Water Use Restrictions	First Offense \$50, Second and Following Offenses \$100
Ch. 250, Solid Waste	First offense written warning, Second Offense \$100, Third Offense \$200, ; Fourth and Following Offenses \$300
Ch. 260, Streets and Sidewalks	First Offense \$100, Second Offense \$200, Third and Following Offenses \$300
Ch. 260/ Art. XIII. MS4	\$100 for first and each subsequent Offense
Ch. 290. Shade Trees	\$200 for first and each subsequent Offense
Ch. 300/Art. I. Parking of Unregistered Vehicles	\$50 for first and each subsequent Offense



## **Chapter 4. Affordable Housing**

### **Article III. Affordable Housing Trust Fund**

#### **Section 1.**

Pursuant to the provisions of MGL c.44, section 55C, the Town creates this trust to hold such property and funds as may be added thereto, for the purposes hereof in trust nevertheless for the benefit of all of the inhabitants of the Town of Bridgewater (the “Town”) in the manner and under the terms and conditions set forth herein.

#### **Section 2.**

This Trust shall be called the “Bridgewater Affordable Housing Trust.” A certificate of Trust for this Trust shall be recorded with the Plymouth County Registry of Deeds and the Plymouth County Registry District of the Land Court.

#### **Section 3.**

The purpose of this Trust shall be to provide for the creation and preservation of affordable housing in the Town for the benefit of low and moderate income households and in furtherance of this purpose, to acquire by gift, purchase, or otherwise real estate and personal property, both tangible and intangible, of every sort and description; to use such property both real and personal in such a manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property compromising the Trust and the net earnings thereof shall be used only in the Town exclusively for the benefit of all of the inhabitants of the Town for the creation and preservation of affordable housing for which this Trust was formed and no part of the activities of the Trust shall consist of propaganda or otherwise attempting to influence legislation or participation in or intervention in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office and no part of the net earnings of this Trust shall inure or be payable to or for the benefit of any private individual or corporation.

#### **Section 4.**

Pursuant to MGL c.44, section 55C, the Town Manager, as chief executive officer, or his designee, shall be an ex officio Trustee. The remaining Trustees shall be appointed by the Town Manager for staggered two year terms, subject to confirmation by the Town Council. Only the Town Manager, as chief executive officer, and persons who are registered voters in the Town of Bridgewater shall be eligible to hold the office of Trustee. Any Trustee who ceases to be a registered voter in the Town of Bridgewater shall cease to be a Trustee hereunder. Such determination shall be filed in writing with the Town Clerk. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk and recorded with the Registry of Deeds and filed with the Registry District. If a Trustee shall die, resign, or for any other reason cease to be a Trustee hereunder before his term of office expires, a successor Trustee shall be appointed by the Town Manager and confirmed by the Town Council, provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk and recorded with the Registry of Deeds and filed with the Registry District. Upon the appointment of any succeeding Trustee and the filing of such appointment, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder. There shall be five Trustees of the Trust including the Town Manager.

#### **Section 5.**

There shall be regularly scheduled meetings of the Trust at such time and at such place as the Trustees shall determine. A written notice stating the place, day, and hour of each meeting of the Trust shall be posted in accordance with the Open Meeting Law. A quorum at any meeting shall be a majority of Trustees qualified and present in person.

#### **Section 6.**

**ROLL CALL VOTE: REQUIRES MAJORITY VOTE OF FULL COUNCIL (5)**

The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in Trust Agreement, shall include the following powers:

- (1) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or any general or special law or any other source, including money from chapter 44B;
- (2) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (3) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the Board of Trustees deems advisable notwithstanding the length of any such lease or contract;
- (4) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board of Trustees engages for the accomplishment of the purposes of the trust;
- (5) to employ advisors and agents, such as accountants, appraisers and lawyers as the Board of Trustees deems necessary;
- (6) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board of Trustees deems advisable;
- (7) to apportion receipts and charges between incomes and principal as the Board of Trustees deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- (8) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- (9) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board of Trustees may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
- (10) to carry property for accounting purposes other than acquisition date values;
- (11) to borrow money on such terms and conditions and from such sources as the Board of Trustees deems advisable, to mortgage and pledge trust assets as collateral;
- (12) to make distributions or divisions of principal in kind;
- (13) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board of Trustees may deem appropriate;
- (14) to manage or improve real property; and to abandon any property which the Board of Trustees determined not to be worth retaining;
- (15) to hold all or part of the trust property uninvested for such purposes and for such time as the Board of Trustees may deem appropriate;
- (16) to extend the time for payment of any obligation to the Trust; and
- (17) to enter into agreements to carry out programs or other initiatives to support community housing for low and moderate income households with income less than 100% of the area median income, per MGL c.44B, including agreements for the use of Bridgewater Community Preservation Act (CPA) funds and CPA eligible activities.

## **Section 7.**

**ROLL CALL VOTE: REQUIRES MAJORITY VOTE OF FULL COUNCIL (5)**

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. The Trustees may, by instrument executed by all the Trustees, delegate to any attorney, agent or employee such other powers and duties as they deem advisable, including power to execute, acknowledge or deliver instruments as fully as the Trustees might themselves and to sign and endorse checks for accounts of the Trustees of the Trust. The Trustees shall not delegate the authority to amend or terminate the Trust and no such delegation shall be effective. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate. No one dealing with the Trustees need inquire concerning the validity of anything the Trustees purport to do or see to the application of anything paid to or upon order of the Trustees. No Trustee shall be liable for the acts, negligence or defaults of any other Trustee or any employee, agent, or representative of the Trustees selected with reasonable care, nor for errors in judgment, nor mistakes of law or fact made in good faith nor in reliance in good faith on advice of counsel nor for other acts or omissions in good faith.

#### **Section 8.**

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town. The Trust is a public employer and the Trustees are public employees for the purposes of MGL c. 258. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of MGL c. 268A.

#### **Section 9.**

This Declaration of Trust may be amended from time to time except as to those provisions specifically required under MGL c. 44, section 55C, by an instrument in writing signed by all of the Trustees and approved at a meeting called for that purpose, provided that in each case, a certificate of amendment has been recorded with the Registry of Deeds and filed with the Registry District.

#### **Section 10.**

The books and records of the Trust shall be maintained by the Town Treasurer and audited annually as part of the independent annual audit of the Town of Bridgewater. The results of the audit shall be provided to the Town.

#### **Section 11.**

This Trust shall be of indefinite duration. However, it may be terminated by a two-thirds vote of the Town Council provided that an instrument of termination, together with a certified copy of the Town Council vote, is duly recorded with the Registry of Deeds and the Registry District.

Upon termination of the Trust, subject to the payment of or making provision for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Town Treasurer for affordable housing purposes. In making and such distribution, the Trustees may sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

#### **Section 12.**

Every contract, deed, mortgage, lease and other instrument executed by a majority of the Trustees as appears from instruments or certificates recorded with said Registry of Deeds and Registry District to be Trustees hereunder shall be conclusive evidence in favor of any person relying thereon or claiming thereunder, that at the time of the delivery thereof this Trust was in full force and effect and that the execution and delivery of such instrument was duly authorized by the Trustees except that delegations of authority pursuant to Article VI hereof and instruments of amendment pursuant to Article VIII and instrument of termination pursuant to Article X hereof shall be conclusive only if it appears that the delegations, amendments, or termination have been executed by all of the Trustees. Any person dealing with the Trust property or the trustees may always rely on a certificate signed by any person appearing from instruments or certificates so recorded to be a

**ROLL CALL VOTE: REQUIRES MAJORITY VOTE OF FULL COUNCIL (5)**

Trustee hereunder as to the identity of the then current Trustees or in any other manner germane to the affairs of the Trust.

**Section 13.**

The titles to the various Articles herein are for convenience only and are not to be considered part of said Articles nor shall they affect the meaning or the language of any such Article.

## Chapter 14. Animals

### Article I. Canine Control

#### Section 1. Dogs

##### A. Nuisance and Dangerous Dogs

###### 1. Definitions.

- a. a. Nuisance dog is a dog that:
  - i. by excessive barking or other disturbance is a source of annoyance to a sick person residing in the vicinity;
  - ii. by excessive barking, causing damage or other interference, behaves in a manner that a reasonable person would find disruptive to quiet and peaceful enjoyment; or
  - iii. has threatened or attacked livestock, a domestic animal, or a person in a manner not grossly disproportionate under all the circumstances.
- b. Dangerous dog is a dog that either:
  - i. without justification, attacks a person or domestic animal causing injury or death; or
  - ii. behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.
- c. No dog shall be deemed dangerous:
  - i. solely based upon growling, barking, or both;
  - ii. based upon the breed of the dog; or
  - iii. if, at the time of the incident in question, the dog was reacting to another animal or person in a manner not grossly disproportionate to any of the following circumstances:
    - a. the dog was protecting or defending itself, its offspring, another domestic animal, or a person from attack or assault;
    - b. the person attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;
    - c. the person attacked or threatened was engaged in teasing, tormenting, battering, assaulting, injuring, or otherwise provoking the dog; or
    - d. at the time of the attack or threat, the person or animal attacked or threatened had breached an enclosure or structure, including but not limited to a gated and fenced-in area, in which the dog was kept apart from the public, without being authorized to do so by the owner of the premises.

A child under age 7 shall be rebuttably presumed not to have been committing a crime, provoking the dog, or trespassing at the time of the attack or threat.

2. Complaint. Any person may file a written complaint with the Town Manager's Office that a dog kept in the Town is a nuisance dog or a dangerous dog.
3. Disposition. The Town Manager's Office shall investigate or cause to be investigated the complaint, including an examination under oath of the complainant at a public hearing. Based on credible evidence and testimony presented at the public hearing, the Town Manager or its designee (hereinafter referred to as the "Hearing Authority") shall take the following action:
  - a. Nuisance dog. If the dog is complained of as a nuisance dog, the Hearing Authority shall either (a) deem the dog a nuisance dog; or (b) dismiss the complaint.
  - b. Dangerous dog. If the dog is complained of as a dangerous dog, the Hearing Authority shall either (a) deem the dog a dangerous dog; (b) deem the dog a nuisance dog; or (c) dismiss the complaint.

- c. Report to Town Clerk. The Hearing Authority shall report any finding that a dog is a nuisance dog or a dangerous dog to the Town Clerk.
  - d. Order valid throughout Commonwealth. Unless later overturned on appeal, any order of the Hearing Authority shall be valid throughout the Commonwealth.
4. Remedies.
- a. Nuisance dog. If the Hearing Authority has deemed the dog a nuisance dog, it may order the owner or keeper of the dog to take remedial action to ameliorate the cause of the nuisance behavior.
  - b. Dangerous dog. If the Hearing Authority has deemed the dog a dangerous dog, it may order one or more of the following remedies:
    - i. that the dog be humanely restrained, but no order shall require a dog to be chained or tethered to an inanimate object such as a tree, post, or building;
    - ii. that the dog be confined to the premises of the owner or keeper, meaning securely confined indoors or confined outdoors in a securely enclosed pen or dog run area that has a secure roof, has either a floor secured to all sides or is embedded into the ground for at least two feet, and provides the dog with proper shelter from the elements;
    - iii. when removed from the premises of the owner or keeper, the dog be securely and humanely muzzled and restrained with a chain or other tethering device with a maximum length of three feet and a minimum tensile strength of three hundred pounds;
    - iv. that the owner or keeper provide (i) proof of insurance of at least \$100,000 insuring the owner or keeper against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the intentional or unintentional acts of the dog; or (ii) proof that reasonable efforts were made to obtain such insurance;
    - v. that the owner or keeper provide to the Town Clerk, the Animal Control Officer, or other entity as directed with identifying information for the dog including but not limited to photographs, videos, veterinary records, tattooing, microchip implantations, or a combination of these;
    - vi. that the dog be altered so as not to be reproductively intact, unless the owner or keeper provides evidence of a veterinary opinion that the dog is medically unfit for such alteration; or
    - vii. that the dog be humanely euthanized.
  - c. Restrictions following dangerousness finding.
    - i. No dog that has been deemed dangerous shall be ordered removed from the Town.
    - ii. No person over the age of 17 who has actual knowledge that a dog has been deemed dangerous under this ordinance shall permit a child under the age of 17 to own, possess, or have care or custody of that dog.
    - iii. No person shall transfer ownership or possession of a dog that been deemed dangerous under this ordinance or offer such dog for sale or breeding without informing the recipient of the dog of the finding of dangerousness.
    - iv. If a hearing authority or a district court has deemed a dog to be a dangerous dog and such dog wounds a person or worries, wounds or kills any livestock or fowl, the owner or keeper of the dog shall be liable in tort to the person injured by the dog for three times the amount of damages sustained by such person.
5. Appeal. Within 10 days after an order has been issued under this ordinance, the owner or keeper of such dog may bring a petition in the district court within the judicial district in which the order relative to the dog was issued, addressed to the justice of the court praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under MGL c. 221, section 62C, review the order of the hearing authority,

hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court. All proceedings referred to under this section of the ordinance (Section 5, Appeal) shall be held in compliance with Massachusetts General Laws Chapter 140, Section 157.

6. Impoundment Pending Appeal.

- a. Order of impoundment. Pending an appeal, the Hearing Authority may petition the district court for an order to impound the dog at a shelter facility used by the Town. Failure to request such impoundment will not result in liability for the Town, the Hearing Authority, or any of the Town's agents or employees. The district court shall consider this petition in accordance with MGL c. 140, section 157.
- b. Costs of impoundment during appeal process.
  - i. If the district court affirms the Hearing Authority's order of euthanasia, the owner or keeper shall reimburse the Town for all reasonable costs incurred for the housing and care of the dog during the period of impoundment. The Town may recover unpaid charges by any of the following methods: (a) a lien on any real property owned by the owner or keeper of the dog; (b) an additional, earmarked charge on the vehicle excise of the owner or keeper of the dog; or (c) a direct bill sent to the owner or keeper of the dog.
  - ii. If the district court reverses the Hearing Authority's order of euthanasia, the Town shall pay all reasonable costs incurred for the housing and care of the dog during the period of impoundment.

7. Penalties.

- a. Seizure/impoundment. If an owner or a keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If it is the keeper in violation, all reasonable efforts shall be made to notify the owner of such seizure and impoundment and the owner may, within seven days, petition the Hearing Authority for return of the dog.
- b. Capture/euthanasia. A dog found to be in violation of a Hearing Authority order or district court issued under this section may be captured or detained by a police officer, animal control officer, or constable. In the case of a threat to public safety or of the dog is living in a wild state, the police officer, animal control officer, or constable may euthanize it humanely.
- c. Fines/imprisonment. A dog owner or keeper who fails to comply with an order of a Hearing Authority or the district court issued under this section may be punished by a fine of not more than \$500 or imprisonment in a jail or house of correction for not more than 60 days, or both for a first offense or by a fine of not more than \$1,000 or imprisonment in a jail or house of correction for not more than 90 days, or both for a second or subsequent offense.
- d. Future licensure. Any owner or keeper who fails to comply with an order of a Hearing Authority or the district court issued under this section shall be prohibited from licensing a dog within the Commonwealth for five years.

B. Chaining or Tethering Dogs

1. No person owning or keeping a dog shall chain or tether a dog to a stationary object including, but not limited to, a structure, dog house, pole or tree for longer than 24 consecutive hours. A tethering so employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and no logging chains or other lines or devices not designed for tethering dogs shall be used. No chain or tether shall weigh more than 1/8 of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of 6 months shall be tethered outside for any length of time.

2. A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:
  - a. inside a pen or secure enclosure, if the following conditions are met:
    - i. the pen or secure enclosure shall have adequate space for exercise with a dimension of at least 100 square feet; provided, however, that commercial dog kennels with pens intended for the temporary boarding of dogs shall be exempt from this requirement;
    - ii. the pen or secure enclosure is constructed with chain link or other similar material as determined by the Building Inspector, with all four sides enclosed; and
    - iii. the minimum height of the fence shall be adequate to successfully confine the dog;
  - b. a fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or
  - c. a trolley system or a tether attached to a pulley in a cable run, if the following conditions are met:
    - i. only 1 dog shall be tethered to each cable run;
    - ii. the tether shall be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which 2 adult fingers may fit; provided, however, that a choke collar and a pinch collar shall not be used to tether a dog to a cable run;
    - iii. there shall be a swivel on at least 1 end of the tether to minimize tangling of the tether;
    - iv. the tether and cable run must each be at least 10 feet in length. The cable must be mounted at least 4 feet but not more than 7 feet above ground level; and
    - v. the length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times as described herein; provided, however, that a trolley system or tether shall be of appropriate configuration to confine the dog to the owner's, guardian's or keeper's property, to prevent the trolley system or tether from extending over an object to an edge that could result in injury to or strangulation of the dog and to prevent the trolley system or tether from becoming tangled with other object or animals.
3. A person owning or keeping a dog confined outside in accordance with this section shall provide the dog with access to clean water and appropriate dog shelter. The dog shelter shall allow the dog to remain dry and protected from the elements and shall be fully enclosed on at least three sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the dog's entry and exit, and sturdy enough to block entry of weather elements. The shelter shall contain clean bedding and shall be small enough to retain the dog's body heat and large enough to allow the dog to stand, lie down and turn comfortably. The enclosure shall be structurally sound and in good repair. Suitable drainage shall be provided so that water, ice or waste is not standing in or around the shelter.
4. No person owning or keeping a dog shall leave a dog chained or tethered outside for longer than 24 consecutive hours.
5. Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.
6. No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or tethering at any time. For the purposes of this subsection, "cruel conditions and inhumane chaining or tethering" shall include, but not be limited to, the following conditions:



- a. filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health;
  - b. taunting, prodding, hitting, harassing, threatening or otherwise harming a tethered or confined dog; and
  - c. subjecting a dog to dangerous conditions, including attacks by other animals.
- 7. A person who violates this section shall, for a first offense, be issued a written warning or punished by a fine \$50, for a second offense, be punished by a fine of \$100 and for a third or subsequent offense, be punished by a fine of \$300, and be subject to impoundment of the dog in a local shelter at the owner's or guardian's expense pending compliance with this section, or loss of ownership of the dog.
- 8. Any fine issued under the aforementioned Section B. "Chaining and Tethering" may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

## **Section 2. Leashing of Dogs**

- A. **Leash Required.** No person owning or keeping a dog in the Town of Bridgewater shall permit such dog to be at large in the Town of Bridgewater elsewhere than on the premises of the owner or keeper, except if it be on the premises of another person with the knowledge and permission of such other person.

Such owner or keeper of a dog in the Town of Bridgewater, which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall restrain such dog by a chain or leash not exceeding six feet in length. In any prosecution hereunder, the presence of such dog at large upon premises other than the premises of the owner or keeper of such dog shall be prima facie evidence that such knowledge and permission was not had.

This provision shall not apply, however, in any area designated by the Parks and Recreation Department as a "Dog Park", "Dog Run" or "Dog Exercise Area".

In areas so designated, dogs are not required to be restrained by a leash provided the owner or keeper of such dog is present and attentive to the dog. The Park and Recreation Department may designate a dog park, dog run, or dog exercise area only if same is enclosed by appropriate fencing to preclude the escape of any dog into any other area of the park or playground not so designated as a dog park, dog run, or dog exercise area.

- B. **Enforcement.** Any dog found to be at large in violation of this ordinance shall be caught and confined by the dog officer who shall notify forthwith the licensed owner or keeper of said dog giving the owner or keeper a period of seven days within which to recover the dog.

Return of the dog to the licensed owner or keeper shall be dependent on admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper.

The dog officer shall enter and prosecute a complaint against the owner or keeper of any dog taken into his custody under this section, as provided for in this ordinance.

A dog officer having custody of a dog confined under this ordinance shall be allowed the sum of \$40 per day for each day of confinement for the care of such dog, payable by the owner or keeper thereof to the Town of Bridgewater.

- C. **Fines**

Violations of this Section (Section 2) of this Article shall be punishable as follows:

First offense by a fine of \$75.00

Second offense by a fine of \$100.00

Third offense by a fine of \$150.00

Fourth and each subsequent offense by a fine of \$200.00

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

### **Section 3. No Fouling of Sidewalks, Etc.**

- A. **Duty to Dispose.** It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his-her dog on any sidewalk, street or other public area in the Town. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his-her dog on any private property neither owned nor occupied by said person.
- B. **Duty to Possess Means of Removal.** No person who owns, possesses, or controls such dog shall appear with such dog on any sidewalk, street, park or other public area without the means of removal of any feces left by such dog.  
Furthermore, no person who owns, possesses, or controls such dog shall appear with such dog on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog.
- C. **Method of Removal and Disposal.** For the purposes of this regulation, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public.  
Disposal shall be accomplished by transporting such feces to a place suitable for the disposal of canine feces, or as otherwise designated as appropriate by the Board of Health.
- D. **Fines.**  
Violation of Section 3 of this Article shall be punishable as follows:  
First offense by a fine of \$75.00  
Second offense by a fine of \$100.00  
Third and each subsequent offense by a fine of \$150.00  
Any fine issued under this section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.
- E. **Exemption.** This regulation shall not apply to a dog accompanying any handicapped person who, by reason of his-her handicap, is physically unable to comply with the requirements of this Ordinance, or to any individual who utilizes a guide dog.
- F. **Severability.** The provisions of this section are severable; and if any of the provisions of this section shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

### **Section 4. Licensing**

- A. **Licensing Requirement.**
  - 1. License required. The owner or keeper of any dog over the age of six months kept in the Town of Bridgewater shall obtain a license for the dog from the Town Clerk.
  - 2. Annual renewal. Licenses issued under this section shall be renewed on an annual basis in accordance with procedures to be determined by the Town Clerk.
  - 3. Transfer. Within 30 days of moving into the Town within a licensing period, the owner or keeper of a dog must apply to the Town Clerk to transfer the dog's license. The Town Clerk shall issue a transfer license for a fee and in accordance with procedures that the Town Clerk shall determine.
- B. **Conditions.**
  - 1. Rabies vaccination. The Town Clerk shall not grant a license unless (i) the license applicant provides a veterinarian's certification or notarized letter that the dog has been vaccinated against rabies; or (ii) the dog is exempted from the vaccination requirement by the Town of Bridgewater Health Department or the Town Clerk in accordance with MGL c. 140, section 145B.

2. Control. Any license granted under this section is granted on the condition that the licensed dog shall be controlled and restrained from killing, chasing, or harassing livestock or fowl.
3. Previous conviction of animal cruelty. Town Clerk shall not grant a license under this section or Section 5, below, to an applicant who has been convicted of one or more of the offenses set forth in MGL c. 140, section 137D within the preceding five years.

C. License Forms.

1. Symptoms of rabies. Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon, as supplied by the state Department of Public Health.
2. Description of dog. The owner of a dog to be licensed under this section may add to the license application form up to ten descriptive words indicating the dog's color, breed, weight, or any special markings.

D. Tags.

1. Issuance. Along with the license, the Town Clerk shall issue a durable tag inscribed with the license number, designation of the Town of Bridgewater, and the year of issue.
2. Affixed to dog. The owner or keeper of the licensed dog shall keep a collar or harness of leather or other suitable material affixed around the dog's neck or body to which the tag shall be securely attached.
3. Lost tags. If the tag is lost or destroyed, the owner or keeper shall immediately secure a substitute tag from the Town Clerk for a fee to be determined by the Town Clerk.

E. Exemptions. The requirements of this section shall not apply: (1) to a person to whom the applicable kennel license has been issued under this ordinance and remains in force; or (2) to a dog housed in a research institution.

F. Fees.

1. Annual license fees. Annual licenses shall be for the period January 1 through December 31. The annual license fees are as follows:

Prior to March 1:

- a. female: \$20
- b. spayed female: \$15
- c. male: \$20
- d. neutered male: \$15

March 1 or after:

- a. Female: \$30
- b. Spayed Female: \$25
- c. Male: \$30
- d. Neutered male: \$25

To be charged the lower fee for licensing a spayed or neutered dog, the license applicant must provide proof of spay or neuter in the form of either: (a) a certificate from the veterinarian who spayed or neutered the dog; (b) a veterinary bill for performing the procedure; or (c) a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog and that the dog appears to be spayed or neutered and therefore incapable of propagation.

The Town Clerk shall send annual licensing reminders to all residents by mail as part of the annual census. .

2. Failure to comply; penalties.

Failure to comply with this section shall result in a fine of up to \$250 assessed to the owner or person in control of the dog under the following conditions:

- a. the dog is unlicensed; and
- b. the Police Department, the Health Agent, or the Animal Control Officer responds to a complaint or a stray dog report concerning the animal.

Failure to comply with this section shall result in a fine of up to \$350 assessed to the owner or person in control of the dog under the following conditions:

- a. the dog is unlicensed; and
- b. the Police Department, the Health Agent, or the Animal Control Officer responds to a complaint or a stray dog report concerning the animal; and
- c. the dog has not received a rabies vaccine pursuant to Section 4.B.1.

3. Waiver of fees.

- a. Service animal. No fee shall be charged for the licensure of a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.
- b. Owner aged 70 and over. If the Town so votes in accordance with MGL c. 140, section 139(c), no fee shall be charged for the licensure of a dog owned by a person aged 70 years and older.

4. Removal from list - No refund of fees. No license fee paid under this section shall be refunded, in whole or in part, due to mistake or due to the subsequent death, loss, spay or neuter, removal from the Town or the Commonwealth, or other disposal of the licensed dog. At any time during the annual license period that the licensed dog dies, is removed from Town, or is otherwise not subject to licensing under this section, the licensee may notify the Town Clerk, and the Town Clerk shall remove the dog from the list of licensed canines. The Town Clerk may require proof that the dog no longer is subject to licensure in the Town prior to removing it from the list.

## **Section 5. Kennels**

### **A. Personal Kennel (Kennel A)**

1. License optional (Kennel A-1). An owner or keeper of four or fewer dogs, three months or older, may elect to secure a Personal Kennel License from the Town Clerk rather than licensing each dog under Section 4, above.
2. License mandatory (Kennel A-2). An owner or keeper of five or more dogs, three months or older, must secure a Personal Kennel License from the Town Clerk or other type of kennel license as may be applicable under this section.
3. Definition. A Personal Kennel is a pack or collection of five or more dogs (or fewer dogs, as in the case of a License-Optional Personal Kennel (Kennel A-1) as defined above at Section 5.A.1), three months or older, owned or kept under single ownership for private personal purposes.
4. Breeding. Breeding of dogs owned or kept under a Personal Kennel License may be done only for the purpose of improving, exhibiting, or showing the breed; for legal sporting activity; or for other personal reasons.
5. Sales allowed. Dogs bred at a Personal Kennel may be sold, traded, bartered, or otherwise distributed only by private sale to other breeders or individuals and not to wholesalers, brokers, or pet shops.
6. Sales prohibited, restricted. No holder of a Personal Kennel License may sell, trade, barter, or otherwise distribute any dog not bred from a personally owned dog, except dogs temporarily housed at a Personal Kennel in conjunction with an animal shelter or rescue program registered with the state Department of Agricultural Resources if the sale, trade, barter, or other distribution is not for profit.

### **B. Other Types of Kennels.**

1. Commercial Boarding or Training Kennel (Kennel B) is an establishment used for boarding, holding, day care, overnight stays, or training of animals that are not the property of the owner of the establishment where such services are rendered for a fee or other consideration and generally rendered in the absence of the owner of the animal. A "Commercial Boarding or Training Kennel" shall not include an animal shelter or animal control facility, a pet shop licensed by the state Director of Animal Health, a grooming facility operated solely for the purpose of grooming animals and not for overnight boarding, or an individual who temporarily

and not in the normal course of business boards or otherwise cares for animals owned by others.

2. Commercial Breeder Kennel (Kennel C) is an establishment, other than a Personal Kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers, or pet shops for a fee or other consideration.
3. Domestic Charitable Corporation Kennel (Kennel D) is a facility operated, owned, or maintained by a domestic charitable corporation registered with the state Department of Agricultural Resources or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, including a veterinary hospital or clinic operated by or under the supervision of a licensed veterinarian that operates consistent with such purposes while providing veterinary treatment and care.
4. Veterinary Kennel (Kennel E) is a veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment and care; a "Veterinary Kennel" shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or will do so only for the period of time necessary to accomplish that veterinary case.

#### C. License Requirements

1. License required. A person or entity maintaining any type of kennel listed in this section (except a License-Optional Personal Kennel (Kennel A-1) as defined above at Section 5.A.1) shall obtain the appropriate kennel license from the Town Clerk and in accordance with procedures that the Town Clerk shall determine.
2. Renewal. Licenses issued under this section shall be renewed periodically in accordance with a schedule and procedures to be determined by the Town Clerk.
3. License fees, calculation, exemption. The fees for licenses issued under this section will be established by the Town Clerk. For purposes of calculating kennel license fees, only dogs over the age of six months shall be counted in the total number of dogs kept in a kennel. No kennel license fee shall be charged to a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect, abuse, or suffering.
4. Licensing inspection. No kennel license shall be issued or renewed until a kennel has passed inspection by the Town Animal Control Officer or designee.
5. Failure to comply, penalty. Failure to comply with the licensing requirements of this section shall be punishable by a fine of \$50.

#### D. Kennel Operation.

1. Standards. Kennels must be operated and maintained in a sanitary and humane manner.
2. Records. The name and address of the owner of each dog kept in a kennel, other than dogs belonging to the person maintaining the kennel, shall be kept at the kennel and available for inspection at any time.
3. Kennel tags. A holder of a kennel license shall cause each dog kept in its kennel to wear, while in the kennel, a collar or harness of suitable material to which a tag shall be securely attached. This tag shall be inscribed with the number of the kennel license, name of the Town of Bridgewater, and year of issue. Such tags shall be issued by the Town Clerk in such number as the number of dogs kept in the kennel.
4. Inspections. The Chief of Police, the Animal Control Officer, the Health Agent or the agent of any of these ("Inspecting Authority") may inspect any kennel at any time for compliance with the above requirements.
5. License suspension, revocation. If the Inspecting Authority determines that the kennel is not being maintained in a sanitary or humane manner or if records are not properly kept, the Inspecting Authority may revoke or suspend the kennel license.

#### E. Citizen Complaints.

1. Filing. Twenty-five citizens of the Town may file a petition with the Town Manager stating that they are aggrieved or annoyed to an unreasonable extent due to excessive barking or other conditions associated with a kennel.

2. Hearing. Within seven days of the filing of such petition, the Town Manager or its designee (“Hearing Authority”) shall give notice to all interested parties of a public hearing concerning the petition to be held within fourteen days after the date of the notice.
3. Investigation. At the hearing, the Hearing Authority may cause an investigation of the kennel that is the subject of the petition or take such other action as it deems prudent.
4. Disposition. Following the public hearing and any investigation or other proceedings, the Hearing Authority may suspend or revoke the kennel license, may take other such action to regulate the kennel that it deems prudent, or may dismiss the petition. The Hearing Authority shall cause written notice of any order issued under this section to be mailed immediately to the holder of the kennel license and the Town Clerk.
5. Appeal. Within ten days of the issuance of any order under this paragraph, the holder of the affected license may bring a petition for judicial review in the district court for the judicial district in which the kennel is located, which shall consider the petition in accordance with MGL c. 140, section 137C.
6. Penalties. A person maintaining a kennel after revocation or during suspension of a license under this section shall be punished by a fine of \$250.”

#### **Section 6. Enforcing Authorities**

Any police officer of the Town, the Health Agent or the Animal Control Officer of the Town may enforce the provisions of this Article as well as those articulated under Massachusetts General Laws.

#### **Section 7. Non-Criminal Dispositions**

Fines assessed under Sections 2, 3, 4 and 5 of this ordinance, as previously stated herein, may be assessed through non-criminal process in accordance with Massachusetts General Laws Chapter 40, Section 21 D. The availability of non-criminal process under this article shall not preclude the use of criminal process or other means of enforcement.

## Chapter 20. Boats and Waterways

### Article I. Boat and Personal Watercraft Operation

#### Section 1.

The term power boat is defined as any boat powered by an internal combustion engine permanently or temporarily affixed to said boat.

#### Section 2.

The term personal watercraft is defined as a small vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by persons sitting, standing or kneeling on the vessel; the term includes but is not limited to, a jet ski, wet bike or surf jet, so-called.

#### Section 3.

All boats and personal watercraft shall be registered in accordance with state law which calls for, but is not limited to, bold contrasting numbers 3" high and read from left to right on both sides of the hull.

#### Section 4.

The operation of personal watercraft in or upon Lake Nippenicket shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Sunday. At all other times such craft shall be prohibited.

#### Section 5.

No boat shall operate on any inland waters within the Town of Bridgewater at a speed exceeding 25 MPH after 7:00 p.m. or one half hour after sunset, whichever is earlier, or before 8:00 a.m.

#### Section 6.

Upon entry, a boat must proceed at a speed "not over" six (6) miles per hour (headway speed) for the first one hundred and fifty feet (150) at a 90 degree angle from the shore.

#### Section 7.

Power boats and personal watercraft shall not operate at greater than headway speed within 150 feet of the shoreline and operate only at headway speed from 150 feet to 300 feet of the shoreline.

#### Section 8.

All boats operated after one half hour after sunset and before one half hour before sunrise must be equipped with a light, which complies with state law.

#### Section 9.

Power boats must at all times be operated at a reasonable and proper speed and manner, having regard for the safety of the public.

#### Section 10.

All operators must abide by all state and federal law.

#### Section 11.

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

### Article III. Boat Launch Area

#### Section 1.

No person shall throw, drop, or otherwise place in the water or on the shore of any of the inland waters within the Town of Bridgewater any paper, rubbish, glass or refuse.

#### Section 2.

No person shall build or maintain an open fire for any purpose.

#### Section 3.

No person shall remove, destroy, or deface any vegetation, sign, poster, building or other property.

#### Section 4.

Parking areas are for the sole use of motor vehicles parking in conjunction with the intended use of the area. Parking shall be only in a manner indicated by the striping pattern of the parking area. The conduct of any other activities in the parking area is prohibited.

**ROLL CALL VOTE: REQUIRES MAJORITY VOTE OF FULL COUNCIL (5)**

**Section 5.**

Water skiing activities shall not be initiated or terminated at any boat launching ramp.

**Section 6.**

At no time shall a person deposit or leave any refuse on land under the control of the Town of Bridgewater. The deposit of sanitary wastes is also strictly prohibited.

**Section 7.**

Disorderly conduct, gambling, drinking of alcoholic beverages, use of illegal drugs, obscene or indecent language or behavior is prohibited.

**Section 8.**

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.



## **Chapter 50. Buildings**

### **Article I. Requirements**

#### **Section 1.**

No building permit shall be issued for a dwelling on a building lot until the owner or his/its representative submits a plan by a registered surveyor showing lot lines defined by “iron pipes, cement and/or stone bounds.”

#### **Section 2.**

In connection with construction on a parcel of land facing an accepted town way, no person shall break or dig up any public sidewalk, street, or highway without written permit from the Department of Public Works Director, or his designee. The Building Inspector shall not issue an occupancy permit for any new building until the affected sections of sidewalk and/or street have been restored to the satisfaction of the Department of Public Works Director, or his designee, and the Town Engineer.

#### **Section 3.**

Said permit shall be in writing and signed by the Department of Public Works Director and the Town Engineer prior to the issuance of a building permit. In addition thereto, the driveway location must be approved in writing by the Department of Public Works Director, or his designee, prior to the issuance of a building permit.

#### **Section 4.**

Prior to the issuance of a building permit, the Town shall require the applicant for the building permit to post a bond with the town prior to the issuance of said permit.

The bond amount will be determined by the Director of Public Works or his designee and will be submitted to the Council each year for review and approval. The bond will be for the sole purpose of restoring any damage to the Right of Way layout coincidental to as a result of construction activity on said lot. Upon final construction, grading, and or landscaping of the lot, and inspected by the DPW Director and/or the Highway Superintendent or his designee the bond shall be returned to the applicant unless it is determined that the bond will be acted upon by the Town to repair any damages to the Right of Way damaged and not repaired by the applicant.

#### **Section 5.**

When a lot(s) of land is built upon, facing on an existing Town way, and that section of way contains existing drainage structures, (or natural water runoff area) then the builder and/or owner shall resolve the drainage necessary by the Town Engineer and/or Highway Superintendent, before any building on the lot(s) is allowed.

#### **Section 6.**

No person shall occupy a building in which a Certificate of Occupancy is required under 780 CMR Section 119.0 until the Certificate of Occupancy is issued.

#### **Section 7.**

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

## Chapter 55. Conflict of Interest

### Article I. Statement of Financial Interest

#### Section 1. Introductory

Purpose:

This chapter establishes a Standard of Conduct for Town employees and Town officials. This ordinance satisfies section 9-1 of the Bridgewater Home Rule Charter by requiring the filing of a Statement of Financial Interest by Reporting persons.

#### Definitions

Whenever used in this chapter, the following terms shall have the following meanings unless otherwise specified or the context requires otherwise:

- A. **“Appointed Official”**: A Town official who is not an elected official.
- B. **“Business”**: Any corporation, partnership, sole proprietorship, firm, franchise, association, organization, holding company, joint stock company, receivership, business or real estate trust, or any other legal entity organized for profit or charitable purposes.
- C. **“Close Relative”**: A person whose relationship to either you or your spouse is that of a parent, grandparent, great grandparent, child, great grandchild, aunt, uncle, sister, brother, niece or nephew, or the spouse of any such relative.
- D. **“Contract Management Authority”**: Personal involvement in or direct supervisory responsibility for the formulation or execution of a Town contract, including without limitation, the preparation of specifications, evaluation of bids or proposals, negotiation of contract terms or supervision of performance.
- E. **“Covered Town Official”**: All officials elected by popular vote; or the head, or deputy or assistant head, of any department, board, commission or division of the Town government.
- F. **“Elected Official”**: A Town official who holds an elected office.
- G. **“Equity”**: Any stock or similar ownership interest in a business.
- H. **“Fair Market Value”**: The Value that a willing buyer would pay and a willing seller would accept, for property in an arm’s length transaction.
- I. **“Gift”**: A delivery of goods, payment, entertainment, subscription, advance services or anything of Value, unless consideration of equal or greater Value is received; or the difference in an Amount paid for goods or services less their Fair market value; but it shall not mean a political contribution reported as required by law, a commercially reasonable loan made in the ordinary course of Business, anything of Value received by inheritance, or good or services received from a relative within the third degree of consanguinity of the recipient, the recipient’s spouse or the spouse of any such relative.
- J. **“Honoraria”**: Payment of money or anything of Value as consideration for an appearance, speech, the writing of an article or any other similar activity.
- K. **“Immediate family”**: The required Reporting person’s spouse or domestic partner, dependent children residing in the household, or anyone the Reporting person or his or her spouse or domestic partner has legal guardianship over.
- L. **“Income”**: Income from whatever source derived, whether in the form of a fee, salary, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense or any combination thereof; provided, however, that interest from savings accounts or from government obligations other than those of the Commonwealth or any political subdivision thereof or any public agency or authority created by the general court, alimony and support payments, proceeds from a life insurance policy, retirement or disability benefits, and social security payments shall not be considered Income for the purposes of this chapter.
- M. **“Investment”**: Any tangible or intangible property, whether personal property or realty, held primarily for the purpose of attaining an economic advantage, whether directly (as in the case of Income or appreciation) or indirectly (as in the case of tax shelters). Investment **shall not include**: Cash and bank accounts; money market funds; certificates of deposit; tangible personal property

held and used for non-commercial purposes, such as antiques or artwork; property held chiefly for personal or family use; or Investments held by you and or your Immediate family member as a trustee, nominee or agent for another person, unless held for you and or an Immediate family member.

- N. **“Legislation”**: Ordinances, resolutions and proposals of every kind, character or description considered by the Town Council or any committee thereof.
- O. **“Person”**: A Business, individual, corporation, union, association, firm, partnership, committee, or other organization or group of persons.
- P. **“Reimbursement”**: Payment for money expended or to be expended (e.g., travel, meals or lodging). A Reimbursement must be for actual expenses incurred or to be incurred.
- Q. **“Reporting person”**: Any person who is required to file a Statement of Financial Interest per this Ordinance in Article 3.2.
- R. **“Security”**: Any note, stock, bond, debenture, other evidence of a debt owed to you and/or an Immediate family member, including, but not limited to, certificates of interest or participation in any profit-sharing arrangement, certificates of interest in any mutual fund, stock commodity option, or similar evidence of ownership of interest, or receipts or certificates of deposit for any of the foregoing, or warrants or rights to subscribe to or purchase any of the foregoing.
- S. **“State Ethics Law”**: Chapter 268A of the Massachusetts General Laws.
- T. **“Statement of Financial Interest”**: The form approved by the Town Council of the Town of Bridgewater to satisfy the recording requirements of the Code of Conduct and Ethics; Financial Disclosure.
- U. **“Town”**: The body politic and corporate called the Town of Bridgewater.
- V. **“Town Agency”**: A board, commission, committee, department, or office of Town government, whether elected, appointed or otherwise constituted.
- W. **“Town Contractor” and “Town Employee”**: Any person (including agents or employees acting within the scope of their employment) who is paid from the Town treasury or under Town auspices, for goods or services, regardless of the nature of the relationship of such person to the Town for purposes other than this chapter.
- X. **“Town Official”**: Any person who holds any elected position in the Town.

*Note: persons who are not considered Town employees under this chapter may still be considered a “Municipal employee” under the State Ethics Law M.G.L. c. 268A.*

## **Section 2. Conflict Of Interest**

### **Statement of Policy**

The provisions of this article supplement the State Conflict Law. All Town employees shall comply with the provisions of this article in addition to the requirements M.G.L 268A, including, but not limited to, Sections 2, 3, 17-20, and 23.

### **Improper Influence**

No Town official or Town employee shall make or participate in making any decision on any issue in which he or she has an economic interest, unless they comply with the State Ethics Commission’s advice or rulings under the Conflict of Interest Law, G.L. c.268A. If a conflict is only perceived, then the Town official or Town employee may provide a written disclosure to the Town Clerk, prior to becoming involved in such discussions or decision making processes. If a conflict or perceived conflict arises after the fact, a written disclosure must be filed within 30 days of the discovery. No Town official or Town employee shall, in any way, attempt to use his or her position to influence any Town governmental decision or action in which he or she has an economic interest distinguishable from its effect on the public, generally or, with respect to the Town Council, any economic interest distinguishable from its effect on all Councilors generally. Town officials or Town employees may request advice from the State Ethics Commission in accordance with the State Conflicts of Interest law, M.G.L. c. 268A. If a particular matter can be split into sections, a member may participate in a discussion and vote on any particular matter in which her or she does not have a financial interest and recuse himself or herself from discussing or voting on the section in which he or she may have a

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financial interest. It is not uncommon for boards or committees to divide items into sections for discussion and voting to allow members to participate in a decision to the extent possible.

#### Gifts Among Town Employees

No Town employee shall knowingly and willfully offer or give to another Town employee or member of such employee's immediate family; and no Town employee or member of such employee's immediate family shall knowingly and willfully solicit or accept from another Town employee, gifts with an aggregate value of fifty dollars (\$50.00) or more in a calendar year.

#### Illegal Gifts Surrendered To Town Treasurer-Collector

Any Gift given in violation of the provisions of chapter 268A of the Massachusetts General Laws shall be surrendered to the Treasurer-Collector, who shall add the Gift to the inventory of Town property.

#### Town Owned Property

No Town official, Town employee or Town contractor shall engage in or permit the unauthorized use of Town-owned property for personal benefit.

#### Use Or Disclosure Of Confidential Information

No current or former Town employee shall knowingly, or with reason to know, engage in any Business or professional activity which will require him or her to disclose confidential information which he or she has gained by reason of his or her official position or authority.

- A. No current or former Town official or Town employee shall use or disclose, other than in the performance of his or her official duties and responsibilities, or as may be required by law, confidential information gained in the course of, or by reason of, his or her position or employment.
- B. For purposes of this section, confidential information means any information that is not made available to the general public on request or could not be obtained pursuant to the Massachusetts Public Records Act, chapter 66 of the Massachusetts General Laws, as amended.

#### Interest In Town Business

No Town official or Town employee or member of his or her Immediate Family shall have an economic interest, directly or indirectly, in work or Business of the Town, or in the sale to the Town of any property or service when consideration for the contract, work, business or sale is paid with funds belonging to or administered by the Town. Compensation for property taken pursuant to the Town's eminent domain power shall not constitute a financial interest within the meaning of this section. Unless sold pursuant to a process of competitive bidding following public notice, no Town official or Town employee shall have a financial interest in the purchase of any property that the Town or Town agency is selling.

- A. To the degree allowed under the State Conflict of Interest Law (*M.G.L. c. 268A*) it shall not be a violation of this section if:
  - 1) The sale of property or services is wholly unrelated to the duties and responsibilities of the Town official or Town employee and the Town employee discloses his or her employment to the individual responsible for the purchase of any such goods or services; or in the case of a Town official, files a disclosure with the Town Clerk;
  - 2) A Town employee acting in good faith discovers an actual or perceived violation of this section and, within 30 days, files a disclosure of such economic interest with the Town Clerk and either terminates his or her relationship with the Town or disposes of the economic interest; or
  - 3) The economic interest constitutes compensation for property taken pursuant to the Town's eminent domain power.

#### Conferring Benefits To Others: Employment Of Immediate Family

- A. No Town official or Town employee may appoint or advocate for employment, in any Town agency in which said official or employee serves, or over which he or she exercises authority, supervision, or control, any person (i) who is a relative of said official or employee, or (ii) attempt to influence any Town official to do the same.
- B. No Town official or Town employee shall exercise Contract Management Authority over a contract involving any relative of the Town official or Town employee.
- C. No Town official or Town employee shall use or permit the use of his or her position to assist any relative in negotiating a contract or securing employment with any Town office or Town agency.

#### Prohibited Acts by Members Of The Town Council, Town Employees, And Town Manager

The Town Manager, Town Employees, and members of the Town Council shall not make loans, Gifts of Value equal to or exceeding fifty dollars, offers of employment or future employment, or offers of Business or Investment opportunities, except within the discharge of their official capacities, to heads of Town agencies, to the Town Counsel or to members of any boards or commissions involved in the granting of variances, permits, licenses or other such discretionary, or adjudicatory functions.

#### Duty To Disclose And Recuse

When any individual or entity appears before the Town Council, and/or any Town board that has the authority to grant or recommend any license, permit, certificate, variance, site plan approval, or any other request; and such individual or entity has, within the preceding five (5) years, paid compensation to a Town Councilor or such a board member, or has paid compensation to any entity or Person from which such Town Councilor or board member has derived income; the Town Councilor or board member who has received such compensation, directly or indirectly, shall publicly disclose orally and in writing that he or she has received such compensation, directly prior to each appearance of such individual or entity before the respective Town Council, or Town board. Such written disclosure shall be filed with the Town Clerk, and on a form provided by this Ordinance. No Town Councilor or board member may take any official action on matters which would foreseeably affect his or her own financial interests, or the financial interests of his or her Immediate family members, partners, employers (other than the municipality), prospective employers, or organizations for which he or she serves as an officer, director, partner or trustee. When such matters come before Town Councilors or board members, they shall recuse themselves by departing the room wherein any discussion relating to such matters is to take place. The recused Town Councilor or board member shall not return until all such discussions relating in any way to such matters have been completed. If a Councilor or board member chose to seek an opinion from the State Ethics Commission and has received a favorable written opinion from the State Ethics Commission regarding a perceived or potential conflict of interest and if a written disclosure has been filed at the Town Clerk's office the Councilor or board member may take part in discussions and voting relating to the matter discussed in the opinion. Town officials or Town employees may request advice from the State Ethics Commission in accordance with the Conflicts of Interest Law, M.G.L. c. 268A that may allow for participation under certain conditions.

### **Section 3. Statement of Financial Interest**

#### Statement of Policy

The provisions of this Article are intended to ensure the public's trust and confidence that decisions of Town officials and Town employees are not contaminated by personal financial interests. This Ordinance requires Town officials, and certain Town employees, to make certain financial disclosures in the form of a Statement of Financial Interest. One who is required to do so is a Reporting person as defined in Section 1.2.

#### Required Reporting Persons

The following is a list of required Reporting persons. The list will be reviewed no less than annually by the Town Manager and approved, or amended by Ordinance, by a majority vote of the full Town Council.

Heads of the following departments:

- Assessing

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- Fire Department
- Highway and Forestry
- Inspector of Buildings
- Plumbing and Gas Inspector
- Police Department
- Sealer of Weights and Measures
- Treasurer/Collector
- Town Accountant/Director of Finance
- Wiring Inspector/Assistant Inspector

The following Town officials and Town employees:

- Conservation Agent
- Health Agent and Assistant Health Agent
- Town Council
- Town Counsel and Associate Town Counsel
- Town Manager and Assistant Town Manager
- Veterans Agent

All members of the following Boards, Committees, or Commissions:

- Board of Health
- Conservation Commission
- Planning Board
- Zoning Board of Appeals

#### Financial Statements – Statement of Financial Interest

- A. Every candidate for local public office shall receive a copy of the Statement of Financial Interest Form, from the Town Clerk's Office, upon pulling papers. The elected candidate shall submit his or her completed Statement of Financial Interest on or before the date on which nomination papers are due. Write-in candidates are required to file no later than 15 days prior to the date of the election.
- B. Every Reporting person shall file a Statement of Financial Interest for the preceding year with the Town Clerk's Office:
  - 1) On or before June 1, or the first business day thereafter, of each year that such Reporting person is employed or in office, or within 30 days of becoming a Reporting person.
- C. The Town Manager shall provide the Town Clerk's Office and the Town Council Clerk with a list of all Reporting persons by May 1<sup>st</sup>, or the first business day thereafter, which shall include:
  - 1) Name
  - 2) Contact Information
  - 3) Title of Position that causes the required filing
- D. The Town Clerk's Office shall, upon receipt of a Statement of Financial Interest pursuant to the provisions of this article, issue to the Person filing such statement a receipt verifying the fact that a Statement of Financial Interests has been filed and a receipted copy of such statement.
- E. The Town Clerk's office shall, upon receipt of a Statement of Financial Interest, reconcile the name of the Reporting person with the list of required Reporting persons, provided by the Town Manager.
- F. The Town Clerk's Office shall notify, in writing, those Reporting persons who have not submitted a completed Statement of Financial Interest form, within five business days of the missed deadline.
- G. The Town Clerk shall, by July 1, or the first regular business day thereafter, submit a copy of the reconciled list of Reporting persons, clearly indicating those reporters who are delinquent and verifying that he or she has been notified in writing.
- H. No appointed Town official shall be allowed to continue in his or her duties or to receive compensation from public funds unless he or she has filed a Statement of Financial Interest with the Town Clerk's Office as required by this article.
- I. The Statement of Financial Interest filed pursuant to the provisions of this article shall be on the official Bridgewater, MA Statement of Financial Interest form, available at the Town Clerk's Office or on the Town of Bridgewater website, and shall be signed under penalty of perjury by the Reporting person.

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- 1) The Town Clerk's Office shall make available, within ten days, any individual's Statement of Financial Interest, for public inspection and copying, during regular business hours after a written request has been submitted. The Town Clerk may charge a reasonable fee for the production and copying of Statements of Financial Interest.
- L. Reporting persons shall disclose the financial information required on the Statement of Financial Interest form prescribed by this Ordinance.
- M. Nothing in this section shall be construed to require the disclosure of information which is privileged by law.
- N. Failure of a Reporting person to file a Statement of Financial Interest within ten days (10) after receiving notice as provided in this article, or the filing of an incomplete Statement of Financial Interest after receipt of such a notice, is a violation of this article.
- O. The forms will be stored in a secure location in the Town Clerk's Office.
- P. The Town Council in cooperation with the Town Manager and the Town Clerk will be responsible for the general oversight of the processes described in this Ordinance relating to the filing of Statement of Financial Interest forms.

#### Advisory Opinions

- A. Any Town official or Town employee or Candidate for elected office shall be entitled to the opinion of the Town Counsel upon any question arising under this article relating to the duties and responsibilities of such Person. All requests for such opinions by Reporting persons shall be made to the Town Manager. The Town Counsel shall file such opinion in writing with the Town Clerk and such opinion shall be a matter of public record; however, no opinion will be rendered by the Town Counsel except upon the submission of a detailed request setting forth existing facts and a specific question relative to an actual or prospective violation of any provision of this chapter.
- B. Any Person who acts in reliance on an opinion of the Town Counsel shall be exempt from the penalties provided in this chapter if that Person has made a good faith disclosure of all material facts related to the opinion. Any Person may also request an advisory opinion from the State Ethics Commission.

#### Penalties

- A. Any Town official or Town employee who violates this Ordinance shall be subject to appropriate discipline by the appointing authority including suspension, termination or censure, consistent with any requirements of the state civil service law and the Town Charter, as well as to civil or criminal prosecution under any other applicable state laws.
- B. Alleged violations of the State Ethics Laws or this chapter by the Town Manager, a Town Councilor, or any Reporting person shall be reported to the District Attorney and the State Ethics Commission.
- C. All Town contracts shall include therein a clause for termination in the event of a violation of this Ordinance in connection with the bidding, awarding, administration or performance of the contract.
- D. Any permit, license, ruling, determination or other official action taken in violation of this Ordinance shall be void; provided however, that in the event that voiding would substantially damage the Town or innocent third parties, then the Town entity responsible for such official action may, subject to the prior approval of the appropriate body, preserve, in whole or in part, the permit, license, ruling, determination or other action.
- E. A knowing or willful violation of this Ordinance shall be punishable by no more than the maximum allowable fine per M.G. L ch.40 s.21.

#### Recovery And Damages And Other Remedies

- A. M.G.L. ch. 268A and ch. 268B provide for the appropriate remedies for any violations of either of these statutes.

#### Conflict with Other Laws

In the event of any conflict or inconsistency of this Ordinance with any state law, the provision of broadest or strictest coverage shall control for purposes of this Ordinance. No provision of this Ordinance shall be construed so as to be inconsistent with state law.

Distribution; Training; Town Web Site Links

- A. The Town Clerk shall cause a copy of this Ordinance to be distributed to every Reporting person within thirty (30) days of their entering their duties. The Town Manager shall cause a copy of this Ordinance and a summary of the Conflict of Interest Laws to be distributed to all employees of the Town every two years.
- B. In order to ensure that all Town officials and Town employees of Bridgewater are familiar with their responsibilities and obligations under this Ordinance and the State Ethics Laws, the Town Manager shall annually provide for training on their meaning and application, and every elected and appointed Town official and Town employee shall be required to attend at least one (1) such session after beginning the duties of his or her employment.
- C. On its website the Town shall provide a link to:
  - 1) This Ordinance;
  - 2) The Massachusetts State Ethics Commission (<http://www.mass.gov/ethics/>);
  - 3) The Massachusetts Office of Campaign and Political Finance, or OCPF - (<http://www.mass.gov/ocpf/>); and
  - 4) The Massachusetts Attorney General's Office (<http://www.mass.gov/?pageID=cagohomepage&L=1&L0=Home&sid=Cago> )

Retaliatory Action

No Town official or Town employee shall intimidate, threaten, coerce, or otherwise take adverse action against any individual who in good faith makes a complaint to the Town Manager or Town Council or the State Ethics Commission regarding any alleged violation of this Ordinance or the State Ethics Law by any Town official or Town employee of Bridgewater.



## Chapter 60. Elections

### Article I. Hours

#### Section 1.

At Annual Town Elections polls shall be open at seven o'clock in the morning and shall remain open until eight o'clock in the evening. At Special Town Elections the polls may be open no earlier than seven o'clock a.m., no later than 12 o'clock noon and may remain open no later than 8 o'clock in the evening.

## Chapter 65. Farming

### Article I. Right to Farm

#### Section 1. Legislative Purpose and Intent

A. The purpose and intent of this ordinance is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations there under including but not limited to Massachusetts General Laws, Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the Town Council of the Town of Bridgewater restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution. ("Home Rule Amendment").

B. This ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Bridgewater by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This ordinance shall apply to all jurisdictional areas within the Town of Bridgewater.

#### Section 2. Definitions

A. The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

B. The word "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

1. farming in all its branches and the cultivation and tillage of the soil;
2. dairying;
3. production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
4. growing and harvesting of Christmas trees;
5. cultivation of sugar maple trees for the production of maple products;
6. growing and harvesting of forest products and any other forestry or lumbering operations;
7. raising of livestock, including horses;
8. keeping of horses as a commercial enterprise;
9. keeping and raising of poultry, swine, cattle, sheep, goats, rabbits, ratites (such as emus, ostriches and rheas), camelids (such as llamas, alpacas, and camels) and other domesticated animals for food and other agricultural purposes, including fiber and furbearing animals (not to include exotic animals).
10. keeping of honey bees;
11. fish hatcheries.

C. "Farming" shall encompass activities including, but not limited to, the following:

1. operation and transportation of slow-moving farm equipment over roads within the Town;
2. control of pests including, but not limited to insects, weeds, predators, and disease organisms of plants and animals;
3. application of manure, fertilizers, and pesticides;
4. conducting agriculture-related educational and farm-based recreational activities, provide that the activities are related to marketing the agricultural output or services of the farm;
5. processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
6. maintenance, repair, or storage of seasonal equipment or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products;
7. on-farm relocation of the earth and clearing of ground for farming operation;
8. construction and use of farm structures and facilities for the storage of animal wastes, farm equipment, pesticides, fertilizers, agricultural products and livestock, for the processing of animal wastes and agricultural products, for the sale of agricultural products, and for the use of farm labor, as permitted by local and state building codes and regulations; including construction and maintenance of fences.

#### Section 3. Right to Farm Declaration

A. The Right to Farm is hereby recognized to exist within the Town of Bridgewater. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the accompanying incidental noise, odors, dust and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more

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than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this ordinance are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Ordinance shall be deemed as acquiring any interest in land, or imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning ordinance. This ordinance does not supersede local, state or federal laws or regulations or private covenants.

#### **Section 4. Disclosure Notification**

A. The Town will provide a copy of the following notice by posting a copy of the notice at the Bridgewater Town Hall and at the Bridgewater Public Library, and will include the notice and copy of the ordinance on the Town's official website.

"It is the policy of the Town of Bridgewater to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lie within a Town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers and occupants are also informed that the location of property within the Town may be affected by commercial agricultural operations including the ability to access water services for such property under certain circumstances."

#### **Section 5. Resolution of Disputes**

A. Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Town Manager, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance.

The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved might have. The Zoning Enforcement Officer may forward a copy of the grievance to the Town Manager, who shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame with all involved parties.

B. The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Town Manager, who shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed time frame with all involved parties.

#### **Section 6. Severability Clause**

A. If any part of the ordinance is for any reason held to be unconstitutional or invalid, such decision(s) shall not affect the remainder of this ordinance. The Town of Bridgewater declares the provisions of this ordinance to be severable.

## **Chapter 70. Finance**

### **Article III. Contract Approval**

#### **Section 1.**

Relative to employment contracts,

1. All employment contracts shall be presented to the Town Council for approval;
2. All contracts that require appropriations in current or future years shall be presented to the Town Council for approval;
3. In keeping with Charter Section 4-2(15), no employment contract may be negotiated or modified by the Town Council except for a contract for Town Manager, Assistant Town Manager, and any staff hired under Charter Section 2-8 (Council Staff).

### **Article IV. Management Reports**

#### **Section 1.**

By the tenth business day of each month, two reports will be emailed from the Town Manager to each Town Council detailing the prior months accounting summaries for: 1) Actual Expenditures to Budget; 2) Actual Revenues to Estimated Revenue. The reports are expected to be provided as a PDF document, but may be requested by individuals in editable spreadsheet format.

At the end of each accounting month, the Council Clerk shall be provided a copy of the full accounting system general ledger management report. The report shall be delivered in hardcopy form.

#### **Section 2. Actual Expenditures to Budget.**

The Actual Expenditures to Budget report is a summation of the accounting systems generated management report. It is an extract of annual budget information and shows subtotals by personal services, other expenses, and department total. The presentation shall show month-by-month activity, quarterly totals, and year-to-date totals. This report will not show articles/orders and prior year encumbrance appropriations.

#### **Section 3. Actual Revenues to Estimated Revenue**

The Actual Revenues to Estimated Revenue report is a summation of the accounting systems generated management report. It identifies the receipt category and general ledger number in the first two columns. The activity is grouped by type: taxes, local receipts, state aid, et cetera. The report displays the estimated revenue (as presented on the tax recapitulation sheet). Similar to the expenditure report, it displays month-by-month information, quarterly and YTD totals.

### **Article V. Personal Property Tax Exemption**

#### **Section 1.**

The Town shall exempt from personal property tax all personal property with a total value of \$5,000 or less.

## **Chapter 74. Fire Department**

### **Article I. Numbering on Dwelling**

#### **Section 1.**

Every structure in the Town used or occupied for dwelling purposes shall have permanently affixed to it, in a manner so as to be visible from the street, the number assigned to said structure. At the time of the sale or transfer of ownership of any such structure, the Fire Department, while in the conduct of the inspection of the premises as required by Mass General Laws, Chapter 248, Section 26F, shall verify that such numbers are present and visible. Letters or numerals shall be visible from the street side of the property and be a minimum of three (3) inches tall. Script is not acceptable. If the building is set back on the property, a number mounted on a mailbox or lamppost will be acceptable.

#### **Section 2.**

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

### **Article II. Storage of New or Used Rubber Tires, Tire Casings, Tire Tubes, Rubber Scraps, and/or other byproducts of Rubber Tires**

#### **Section 1.**

The storage site shall be reasonably level, solid ground, preferably surfaced with fine gravel. Refuse or filled land, swampy ground, or areas where the hazard of underground fire exists shall not be used as a storage area. All weather roadways, alleyways and fire lanes capable of supporting fire department apparatus shall be provided to any buildings located therein and throughout the storage yard from Town ways. All sides of storage pile shall be accessible by means of alleyways and fire lanes. An alleyway shall have a width of one and one-half times pile height, but not less than twenty (20) feet, with fire lanes between alternate rows of two pile groups, providing a clear space of at least one hundred (100) feet. Each pile shall not exceed one hundred twenty-five (125) feet in length, twenty-five (25) feet in width, nor fifteen (15) feet in height. Fire lanes shall be provided for access across each end and shall provide a clear space of at least one hundred (100) feet to adjacent pile rows, or other exposed property. Where practical, greater widths are desirable to minimize the effects of radiated heat, particularly in high-piled yards. Fire lanes shall be kept unobstructed at all times to permit the maneuvering of fire suppression equipment and other emergency vehicles. For basic fire protection, a water supply shall be provided. The water supply shall be large enough to provide 1000 G.P.M. for a period of two (2) hours, and shall be accessible to fire apparatus as directed by the Fire Chief, or his designee.

#### **Section 2.**

The entire yard shall be sprayed as often as needed with a satisfactory herbicide, or the ground sterilized or grubbed out, to prevent the growth of weeds, grass and similar vegetation. Dead vegetation shall be removed. Weed burners shall not be used. Good housekeeping shall be maintained at all times, including regular and frequent cleaning of materials handling equipment.

#### **Section 3.**

Smoking shall be prohibited in tire storage yards. No smoking signs shall be posted in tire storage yards.

#### **Section 4.**

Access into yard areas by unauthorized persons shall be prohibited. Storage areas shall be enclosed with a suitable fence equipped with proper gates located to permit entry of Fire Department and other emergency apparatus.

#### **Section 5.**

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Miscellaneous occupancy hazards, such as vehicle storage and repair shops, cutting and welding operations, flammable liquid storage, liquefied petroleum gas storage and similar operations shall be safeguarded in accordance with NFPA standards. Vehicles and other power devices shall be of an approved type set forth in standards for powered industrial trucks, NFPA 505, and be safely maintained and operated. Vehicle fueling operations shall be conducted in specified safe locations isolated from storage areas and principal operating buildings. All electrical equipment and installation shall conform to the provisions of the National Electrical Code NFPA 70. No cutting, welding or other use of open flames or spark producing equipment shall be permitted in storage areas. The owner of the storage yard shall be responsible for the hiring of any heavy equipment to aid in the extinguishing of a fire should it be deemed necessary by Fire Chief, or his designee.

## **Section 6.**

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

## **Article III. Fire Alarm Systems**

### **Section 1.**

Definitions: When used in this ordinance, unless a contrary intention clearly appears, the following words shall have the following meanings:

Central Station Operating Company: A company equipped to receive a fire alarm signal from each of its customers and which then transmits to the Bridgewater Fire Department (B1<sup>4</sup>1)) the location of any such alarm the central station operating company receives.

Fire Alarm System: Any heat-activated, smoke-activated, flame energy activated or other such automatic device capable of transmitting a fire alarm signal to either a central station operating company or directly to the BID by way of a master box.

Fire Alarm System Malfunction: The transmittal of a fire alarm to a central station operating company or directly to the BFD by way of a master box which alarm is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reasons that causes a fire alarm to sound even though there is no actual fire or situation that could reasonable evolve into a fire.

Fire Alarm System Owner: An individual or entity who owns the title to and/or has on his business or residential premises a fire alarm system equipped to send a fire alarm signal to a central station operating company or directly to the BFD by way of a master box.

Fire Chief: The Chief of the Bridgewater Fire Department.

Master Box Owner: An individual or entity who has on his business or residential premises a fire alarm system equipped to send a fire alarm signal directly to the BED by way of a master box.

### **Section 2.**

Connection of Fire Alarm Systems to the B1-13 by way of a Master Box: Before any fire alarm system is connected to the BFD, the master box owner shall provide the Fire Chief with the following information:

The name, address, and home and work telephone numbers of the master box owner

The street address where the master box is located;

The names, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected to the master box;

The names, addresses and home and work telephone numbers of at least two persons other than the owner who can be contacted twenty-four (24) hours a day, who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located; and

Such other information as the Fire Chief may require.

### **Section 3.**

Connection of Central Station Operating Companies to RFD: Before any central station operating company is connected with the Bt D, it shall provide the Fire Chief with the following information:

The name, address and telephone numbers of the central station operating company;

The names, addresses and home and work telephone numbers of at least two persons who can be contacted twenty-four (24) hours a day, who are authorized by the central station operating company to respond to an alarm signal and who have access to the premises from where the alarm signal is emitting to the central station operating company;

The name, address, home and work telephone numbers and location of the premises of each customer of the central station operating company who has a fire alarm system equipped to send a fire alarm signal to the central station operating company; and

Such other information as the Fire Chief may require.

### **Section 4.**

Every master box owner and every central station operating company shall be responsible for updating the information herein required to be provided to the Chief. If the information provided changes, the master box owner and the central station operating company shall provide the Fire Chief with the updated information and shall pay the fee, if any, required by this Ordinance.

### **Section 5.**

Fire Alarm System Malfunction - False Alarm Fines: If there is a fire alarm system malfunction or false alarm as defined herein, the Fire Chief may assess a fine against a fire alarm system owner for each malfunction and/or false alarm per calendar year according to the following schedule:

First malfunction - false alarm, no charge.

Upon the recording of the third malfunction - false alarm in a calendar year by the Fire Department, the Fire Chief shall notify the owner of the building in writing and by certified mail of such fact and at this time inform the owner of the department's policy with regard to charging for false alarms.

Fourth malfunction - false alarm and every malfunction - false alarm thereafter \$300. Private fire alarm systems connected to the Bridgewater Fire Department by other automatic means or through a central station operative system shall also be subject to the above conditions.

Any false fire alarm which is the result of the failure of the property owner, occupant or their agents to notify the Bridgewater Fire Department of repair, maintenance or testing of the internal fire alarm system within the protected premises shall cause a penalty to be assessed in accordance with this Ordinance. For the purpose of this Ordinance, a false fire alarm shall be defined as follows:

- (a) the operation of a faulty smoke or heat detection device;
- (b) faulty control panel or associated equipment;
- (c) a water pressure surge in automatic sprinkler system;
- (d) accidental operation of an automatic sprinkler system;
- (e) an action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or the occupant, causing accidental activation of the internal fire alarm system.

Property owners will be billed once a month for the previous months malfunction activity. All fines assessed shall be paid to the Town Treasurer for deposit in a Receipt Reserve Account for Repair and Maintenance - Fire Department.

If the bill is not paid within sixty (60) days a second notice will be sent; if the bill is not paid after another sixty (60) day period, then the Fire Chief may proceed to collect the same.

### **Section 6.**

Appeal procedure - Any fire alarm system owner who is aggrieved by an action taken by the Fire Chief under this Ordinance, may, within ten (10) days of such action, file an appeal in writing, to the Hearings Officer. After notice the Hearings Officer shall hold a hearing after which he shall issue a decision, in which he affirms, annuls or modifies the action taken by the Fire Chief giving its reasons therefore. The Hearings

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Officer shall send his decision to the owner by first class mail within ten (10) days after the hearing. The decision of the Hearings Officer shall be a final administrative decision. The owner shall have thirty (30) days from the date of the written decision to, seek judicial review in the Plymouth County Superior Court.

**Section 7.**

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

**Article IV. Secure Key Box**

**Section 1.**

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

**Section 2.**

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.



## **Chapter 110. Handicapped Parking**

### **Article I. Handicapped Parking**

#### **Section 1.**

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 business, shopping malls, theaters, auditoriums, sporting or recreational facilities, cultural centers, residential dwellings, or, for any other place where the public has a right of access as invitees or licensees, shall reserve parking spaces in said off-street parking areas for any vehicle owned and operated by a disabled veteran or handicapped person whose vehicle bears the distinguishing license plate authorized by Section 2 of Chapter 94, according to the following formula:

If the number of parking spaces in any such off-street parking area is more than fifteen (15) but not more than twenty-five (25), one (1) parking space; more than twenty-five (25) but not more than forty (40), five (5%) per cent of such spaces but not less than two (2); more than forty (40) but not more than one hundred (100), four (4%) percent of such spaces but not less than three (3); more than one hundred (100) but not more than two hundred (200), three (3%) percent of such spaces but not less than four (4); more than two hundred (200) but not more than five hundred (500), two (2%) percent of such spaces but not less than six (6); more than five hundred (500) but not more than one thousand (1000), one and one-half (1 1/2%) percent of such spaces but not less than ten (10); more than one thousand (1000) but not more than two thousand (2000), one (1%) per cent of such spaces but not less than fifteen (15); more than two thousand (2000) but less than five thousand (5000), three-fourths of one percent (3/4 of 1%) of such spaces but not less than twenty (20); and more than five thousand (5000), one-half of one percent (1/2 of 1%) of such spaces but not less than thirty (30).

#### **Section 2.**

The number and location of handicapped parking areas to be located on public way shall be as designated by the Department of Public Works Director or his designee.

#### **Section 3.**

Parking spaces designated as reserved under the provisions of Section 1 shall be identified by the use of above grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May Be Removed at Owner's Expense"; shall be as near as possible to a building entrance or walkway; shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person; and shall be twelve (12) feet wide or two (2) eight-foot wide areas with four (4) feet or cross-hatch between them.

#### **Section 4.**

The leaving of unauthorized vehicles within parking spaces designated for use by disabled veterans or handicapped persons as authorized by this Ordinance, 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.

#### **Section 5.**

Any fine issued under this Section may be assessed through non-criminal process in accordance with M.G.L. Ch. 40, Section 21 D. Each day on which any such violation continues shall be considered a separate violation of this section. The availability of non-criminal process herein shall not preclude the use of criminal process or other means of enforcement.

## **Chapter 120. Historic Properties**

### **Article III. Bridgewater Historic District**

In accordance with the provisions of Chapter 40C of the Massachusetts General Law a Historic District Commission is to be established and the Bridgewater Historic District is also to be established.

#### **Section 1. District Bounds**

1. Properties included in the District shall include the following Parcels found on Assessors Map 34 as of October 1, 2016:
  - a) 12, 13, 15, 16, 48, 61 through 65, 68 through 70, 72, 73, 85 through 89, 117, 177, 185, 186, 188 through 194, 204, 206, 207, 219, 274.
  - b) A portion of 57 which represents the open lot at the junction of Main Street and Central Square.
  - c) The right of way extending from parcels 185 and 186 to School Street.

#### **Section 2. Powers of the Commission**

No building or structure within the District shall be removed, constructed or altered in any way that affects the exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, non-applicability, or hardship with respect to such removal, construction, or alteration. Any person who desires to obtain any one such certificate shall file with the Commission an application therefore in such form as the Commission may reasonably determine, together with such plan, elevations, material or other information (including, in the case of demolition or removal, a statement of the proposed condition of the property thereafter) as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

No permit for the construction of a building or structure or for alteration of an exterior architectural feature within the District and no permit for the demolition or removal of a building or structure within the District shall be issued by any officer or department of the Town until the certificate required by this section has been issued by the Commission.

#### **Section 3. Factors to be Considered by the Commission**

In passing upon matters before it, the Commission shall consider among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. The Commission shall not consider interior arrangements or architectural features not subject to public view.

#### **Section 4. Limitations**

Notwithstanding anything to the contrary contained herein or in any statute of the Commonwealth of Massachusetts, no authority is hereby granted to restrict or otherwise impair requirements for construction or lot placement more stringent than those required by zoning ordinance or other ordinance of the Town of Bridgewater.

Except to the extent specifically prohibited by General Laws, Chapter 40C, the authority of the Commission shall be limited in that:

It shall not have the power to review the following:

- (a) Terraces, walks, driveways, sidewalks and other similar structures, any and all of them, provided that the structure is at grade level. (A change of grade level requires Historic District Commission review)
- (b) Storm doors and windows, screen doors and windows, window air conditioners, lighting fixtures, and ordinary television and radio VHF, UHF and FM antenna, but will review large scale C.B., Ham Radio, or Satellite Dish antenna.
- (c) Color of paint. Provided that the colors are appropriate for the building's historic period or architectural style.

(d) Signs used for residential occupation or professional purposes which are not more than one foot square in area, provided that:

- (1) Only one sign is displayed for each building or structure.
- (2) The sign consists of letters painted on solid material without a symbol or trademark; and
- (3) If illuminated, is illuminated only indirectly.
- (4) Sign use in connection with non-residential purpose, which are not more than twelve feet in area, provided that:
  - a. only one sign is displayed for each building or structure
  - b. the sign consists of letters painted on solid material without a symbol or trademark; and
  - c. if illuminated, is illuminated only indirectly.

Reconstruction of a building, structure or architectural feature which has been damaged or destroyed by fire, storm, or other disaster, provided that:

- (1) The exterior design is substantially similar to the original.
- (2) The reconstruction is begun within one year after the damage occurred and is carried on with "due diligence".

## Chapter 120. Historic Properties

### Article IV. Demolition Delay

#### Section 1. Intent and Purpose

This ordinance is enacted to preserve and protect significant buildings within the Town of Bridgewater and to limit the detrimental effect of demolition on the character of the Town of Bridgewater. By preserving and protecting significant structures, streetscapes and neighborhoods, this ordinance promotes the public welfare by making the Town of Bridgewater a more attractive and desirable place to visit, live and work. Through implementation of this ordinance, owners of preferably preserved structures are encouraged to seek out alternative options that will preserve, rehabilitate or restore such structures and residents of the Town of Bridgewater are alerted to impending demolitions of significant structures. The issuance of demolition permits is regulated through this ordinance.

During the period of demolition delay, the Historical Commission shall assist the owner of a preferably preserved building in identifying opportunities to move, restore, reuse or otherwise protect and preserve a building so deemed.

#### Section 2. Definitions

“Applicant” means any person or entity who files an application for a demolition permit. If the applicant is not the owner of the property where the building is situated, the owner must endorse filing the application.

“Application” means the forms, fees and process for permission to demolish a structure.

“Building” means any three dimensional enclosure by any building materials of any space, for any use or occupancy, temporary or permanent, and shall include foundations in the ground, also all parts of any kind of structure above ground, except fences and field or garden walls or embankment retaining walls.

“Building Official” means the person occupying the Office of Building Official, or any designee authorized to issue demolition permits.

“Commission” means the Town of Bridgewater Historical Commission.

“Demolition” means the act of pulling down, destroying, removing, dismantling or razing a structure in full or in part.

“Demolition permit” means the permit issued by the Building Official for the demolition of a structure, excluding any permit issued solely for the demolition of the interior of a structure.

“Preferably preserved” means a significant structure that the Commission determines, following a public hearing, is in the public interest to preserve rather than demolish. A preferably preserved structure is subject to the sixty day demolition delay period of this ordinance.

“Significant” structure means any structure within the Town of Bridgewater constructed in the year 1920, or prior, that is determined by the Historical Commission to be significant based on any of the following criteria: The structure is listed in, or is within an area listed in, the National Register of Historic Places; or

The structure is eligible for the National Register of Historic Places; or

The structure is historically or architecturally important (in terms of period, architectural style, method of construction or association with a universally recognized architect or builder) either by itself or in the context of a group of structures.

#### Section 3. Procedure

A. For any structure constructed in the year 1920, or prior, no demolition permit shall be issued without complying with the provisions of this ordinance.

B. An applicant proposing to demolish a structure subject to this ordinance shall file with the Building Official an application containing the following information:

- a. Official Town of Bridgewater demolition permit application.
- b. The address of the structure slated for demolition.
- c. The property owner's name, address, email address and telephone number.
- d. A description of the structure, including year constructed.
- e. The specific reasons for requesting a demolition permit.
- f. A description of the proposed reuse, reconstruction or replacement of the structure.

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- g. Images of the structure.
- C. Initial Determination -- The Building Official shall within seven calendar days of receipt of an application forward a copy of the application to the Commission. The Commission shall within fourteen calendar days after receipt of the application hold a meeting and make a written determination of whether the structure is significant.
- D. Determination of Not Significant -- Upon determination by the Commission that the structure is not significant, the Commission shall immediately notify the Building Official and applicant in writing. The Building Official shall then issue the demolition permit.
- E. Determination of Significance -- Upon determination by the Commission that the structure is significant, the Commission shall immediately notify the Building Official and the applicant in writing. No demolition permit may be issued unless the Building Official determines the building an imminent threat to public safety as set forth herein or otherwise outlined in the building code or general laws. If the Commission does not notify the Building Official within fourteen calendar days of receipt of the application, the Building Official shall proceed to issue the demolition permit.
- F. Should the Commission find that the structure is significant, it shall hold a public hearing within twenty-one calendar days of the written notification to the Building Official. If agreed to in writing by the applicant, the determination of the Commission may be continued beyond the twenty-one calendar days. At the public hearing the Commission shall decide whether the structure should be preferably preserved.
- G. If the Commission determines that the building is not suitable to be preferably preserved, the Commission shall immediately notify the Building Official and applicant in writing. The Building Official shall then issue the demolition permit.
- H. If the Commission determines that the structure is to be preferably preserved, the Commission within fourteen calendar days shall notify the Building Official and applicant in writing. No demolition permit shall be issued for a period, not to exceed, sixty days from the date of the determination unless otherwise agreed to by the Commission. If the Commission does not so notify the Building Official in writing within fourteen calendar days of the public hearing, the Building Official shall issue the demolition permit provided all other requirements of the demolition permit are fulfilled.
- I. Upon a determination by the Commission that any structure subject of an application is a preferably preserved structure, no building permit for new construction or alterations on the premises shall be issued for a period of sixty days from the date of the determination unless otherwise agreed to by the Commission.
- J. No permit for demolition of a structure determined to be a preferably preserved structure shall be granted until all plans for future use and development of the site have been filed with the Building Official and have found to comply with all laws pertaining to the issuance of a building permit or if for a parking lot, an approved site plan for that site. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.
- K. The Building Official shall issue a demolition permit or a building permit for a preferably preserved structure within sixty days if the Commission notifies the Building Official in writing that the Commission finds that the intent and purpose of this ordinance is served even with the issuance of the demolition permit or the building permit.
- L. Following the sixty day delay period, the Building Official shall issue the demolition permit.

#### **Section 4. Administration**

The Commission may adopt such rules and regulations as are necessary to administer the terms of this ordinance.

The Town Council is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this ordinance.

The Commission may delegate authority to make initial determinations of significance to one or more members of the Commission or to a staff member of the Town of Bridgewater.

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## **Chapter 120. Historic Properties**

### **Article V. Historic Iron Works District**

The Bridgewater Iron Works Historic District, pursuant to chapter 40C of the Massachusetts General Laws, shall consist of all land within 600 feet of the center line of High Street included in Assessors' Map 10, Parcels 40 and 41.

## **Chapter 135. Licensing**

### **Article I. Denial for Non-payment of Municipal Charge**

#### **Section 1.**

The Tax Collector shall annually furnish to each department that issues licenses or permits including renewals and transfers, hereinafter the "licensing authority," a list of any person, corporation, or business enterprise, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a twelve (12) month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

#### **Section 2.**

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; provide, 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 (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension, shall be made only for the purposes of such proceeding and shall not be relevant to or introduced into 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.

#### **Section 3.**

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

#### **Section 4.**

The Town Manager may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in Sec. 1 of C. 268A of the MGL in the business or activity conducted in or on said property.

## **Section 5.**

This Chapter shall not apply to the following licenses and permits: Open Burning; MGL c. 38, sec. 13; Sales of Articles for Charitable Purposes; MGL c. 101, sec. 33; Children Work Permits; MGL c. 149, sec. 69; Clubs, Associations Dispensing Food or Beverage License; MGL c. 140, sec. 21E; Dog License; MGL c. 140, sec. 137; Fishing, Hunting, Trapping License; MGL c. 131, sec. 12; Marriage License; MGL c. 2017, sec. 28; and Theatrical Events, Public Exhibition Permits; MGL c. 140, sec. 181.

## **Article III. Repair of Motor Vehicles**

### **Section 1.**

Any person engaged in the activity of repairing motor vehicles as defined by M.G.L. chapter 90, section 1, as amended, shall be licensed by the licensing authority. The license shall specify the premises to be occupied by the licensee for the purpose of carrying on the licensed business. The licensing authority shall have the right to limit the hours of operation, the storage of unregistered vehicles, and other conditions of storage of unregistered vehicles, and other conditions of operation that may have a negative impact on abutters.

### **Section 2.**

Such license shall expire on December 31st of each year, unless sooner revoked, but may be renewed annually upon application filed in December of each year without notice and hearing. The fee for the license shall be fixed annually by the Town Council.

### **Section 3.**

Any person aggrieved by any action of the licensing authority refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal to the Plymouth County superior court.

## **Article IV. Pawn Shops**

### **Section 1.**

Dealers in Junk, Second-Hand Articles, Gold, Silver, and other precious metals and Pawnbrokers.

No person who makes a business of purchasing or purchasing and selling, or who keeps a place of business in the Town of Bridgewater for purchasing or purchasing and selling, either gold, silver, other precious metals, including catalytic converters, other precious or semi-precious gemstones, jewelry, computers and computer equipment, video equipment, audio equipment, cameras, other electronic devices such as video game systems, games, software, shall engage in such business or open such place of business unless duly licensed by the Town of Bridgewater.

### **Section 2.**

#### **Definitions**

A Second Hand Dealer is a person or business who makes an outright purchase of personal property that has been used. A Pawnbroker is a person or business, who offers loans to individuals who use their personal property as collateral. These items are called pledges or pawns. For purposes of this Ordinance, Pawnbrokers shall be licensed as a Second Hand Dealers and shall comply with all record keeping requirements of Second Hand Dealers.

### **Section 3.**

#### **Application for license:**

Each application for a license under this section shall set forth the name and address of the business being licensed as well as the principal(s) of the business, their dates of birth and current addresses. The Chief of Police or his designee shall conduct a character investigation upon the applicant and such findings shall be forwarded to the Town Manager. The Town Manager may refuse to issue a license to a principal(s) who is deemed "unsuitable" to operate such business or whose registration has been revoked for violation of this Ordinance previously, or who has been convicted of a felony.

The license shall be in force until the 1<sup>st</sup> day of January unless sooner revoked.

### **Section 4.**

#### **Record of Purchases**

Every dealer, clerk, agent or other person in charge of such premises shall record, in legible written English language, at the time of purchase, the detailed description of each item purchased including serial numbers(s) if present, the price paid for the item, the name, date of birth, current residence, giving a street and number of the person from whom the

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purchase was made. Such name, date of birth, and residence obtained by the production of a photo identification issued by the Commonwealth of Massachusetts, passport, or out of state driver's license containing a photo of the seller. At the time of purchase the day, date and hour of the purchase shall also be recorded. Further, a statement shall be taken from the seller of the item, as to the manner in which such item was obtained by the seller, which statement shall be entered on such record.

An electronic photograph of each item purchased, clearly showing the item shall be taken of each item along with the identification presented. Each dealer or keeper of the shop shall also take a photograph of the person presenting such item and ID which will also be maintained for the permanent record, and available for inspection by the Chief or his designee. No Entry on such record shall be changed, erased, obliterated or defaced. Such record shall be maintained on a form approved by the Chief of Police and shall be in duplicate form. The original and a copy of the electronic photograph shall be delivered, either electronically or by hand, to the Chief of Police or his designate by the opening of business on the nearest Monday and Thursday following said purchase. The duplicate copy shall be kept in some suitable place by the licensee for a period of three (3) years. Video game systems and related games for those systems are exempt from the photograph requirement as long as the complete purchase is held together as a unit for seven (7) days and the seller's information has been properly recorded.

Every licensee, at his expense, will be required to record all such information on a form prescribed or participate in an electronic database for recording and transmitting such data immediately, including color pictures, to the Chief of Police or his designee. All items purchased must be photographed individually or separated in a singular photograph so they can be easily identified.

No such item purchased or received by any dealer or keeper of a shop shall be removed from the Town or sold or otherwise disposed of, nor its identity changed for at least twenty one (21) days from its date of purchase or acquisition unless permission in writing has been obtained from the Chief of Police or his designee. Games for Video Game Systems may be released after five (5) days. Per MGL c.140 §71, any item taken in by a Pawnbroker or Pawn shop must be retained by them for a period of no less than four months from time of deposit.

No licensee or keeper of a shop shall directly or indirectly receive or buy any such items from any person under the age of eighteen (18) years.

## **Section 5.**

### **Display of License**

Each such dealer or keeper of a shop shall have conspicuously displayed his license at the place where he does business.

## **Section 6.**

### **Reason to Believe Items are Stolen**

Every dealer, clerk, agent or other person in charge of such premises shall immediately report to the Bridgewater Police Department any persons and items they have reason to believe may have stolen or be in possession of stolen items.

## **Section 7.**

### **Repeat Sales**

Every dealer, clerk, or agent shall be required to report to the Chief of Police or his designee any person who offers for sale any such items defined above on three (3) or more occasions in any 30 day period, or four (4) or more occasions in a 60 day period.

## **Section 8.**

### **Revocation of License**

A violation of any provision of the license or subsequent rule or regulation that may be passed shall be sufficient cause and reason to revoke said license. The Town Manager, may at any time, revoke said license for cause following notice and an opportunity to be heard.

#### **Penalty for Violation of Article**

Any person, firm, or corporation violating any provisions of this Article shall also be fined of twenty (\$20.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Per MGL c140 §55, \$20 is max fine.

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**Section 9.****Examination and Inspection of Records, Articles and Merchandise**

The Chief of Police or his designee shall at all times have the authority to inspect or examine all books, records, photographic images, articles and merchandise therein as required to be maintained in compliance with this Ordinance.

## **Chapter 157. Parades and Public Gatherings**

### **Article I. Permit Required**

#### **Section 1.**

No person shall form or conduct any parade in any public street, public sidewalk or public way within the town, or form or conduct for the purpose of display or demonstration, any procession or assembly of people, except a military funeral or funeral parade or procession, within such public street, sidewalk or way, without first obtaining a written permit from the Chief of Police; and no person shall take part in any such parade, procession or assembly which is not authorized by such a permit.

#### **Section 2.**

No person shall give any public address, speech or harangue in any public street, public square or public park within the town, without a written permit from the Chief of Police.

## **Chapter 160        Peace and Good Order**

### **Article I. Profane or Obscene Language**

#### **Section 1.**

No person shall behave himself in a rude or disorderly manner, nor use any indecent, profane or insulting language, in any public way or place in the town.

### **Article II. Public Nudity**

#### **Section 1.**

No person shall bathe in any water of this town, in a state of nudity, in places exposed to public view, or in immediate sight of the occupants of any dwelling.

### **Article III. Public Nuisance**

#### **Section 1.**

No person shall throw balls, snowballs, or other missiles nor unnecessarily make any alarming or tumultuous noise, not make or light bonfires, or other fires, not ride upon the hind part of any vehicles without leave, not play at football or other games in any street, public way or square of this town.

### **Article IV. Impeding a Public Way**

#### **Section 1.**

No person shall loiter or continue to stand on any sidewalk or public place in the town as to obstruct the passage of or to impede or in any matter annoy other persons; nor shall any person in a street or way stand or loiter after being directed by a police officer to move on. No person being a member of an assembly of three or more persons shall disturb the peace by using obscene or profane speech in any public place, or obstruct and interfere with the free passage of foot traffic.

### **Article V. Tampering with Lights**

#### **Section 1.**

No person shall extinguish any street light, or extinguish or remove any light placed to warn the public against an obstruction or a defect in any street or way, without such person being authorized by those having charge of such lights, or of the street or way, so to do.

## Article VI. Open Container

### Section 1.

No person shall drink alcoholic beverages as defined in Chapter 138 Section I of the General Laws while on, or upon any public way or upon any way to which the public has a right or access or any place to which members of the public have access as invitees or licensees, park or playground or private land or place without the consent of owner of person in control thereof. All alcoholic beverages being used in violation of this ordinance shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the Court.

## Article VII. Prohibition of Smoking in Public Places and Workplaces

### Section 1. Statement of Purpose

Whereas conclusive evidence exists that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose, and throat; and whereas the harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers; and whereas environmental tobacco smoke [hereinafter ETS], which includes both exhaled smoke and the side stream smoke from burning tobacco products, causes the death of 53,000 Americans each year (McGinnis JM, Foege W, "Actual Causes of Death in the United States", JAMA 1993 270:2207-2212); and whereas the Ninth Report on Carcinogens of the Public Health Service's National Toxicology Program classified secondhand smoke as a known human carcinogen (U.S. DMS, 2000) and the International Agency for Research on Cancer (IARC) of the World Health Organization also classified secondhand smoke as a known human carcinogen (IARC-WHO, 2002); now, therefore, the Town of Bridgewater recognizes the right of those who wish to breathe smoke free air and establishes this ordinance to:

- Protect and improve the public health and welfare by prohibiting smoking in all public places and work places;
- Assure smoke free air for everyone;
- Recognize that the need to breathe smoke free air shall have priority over the desire to smoke in enclosed public places and workplaces;
- Set a healthful example for youngsters by creating a smoke free community.

### Section 2. Definitions:

For the purposes of this ordinance, the following words shall have the meanings respectively ascribed to them by this section:

**Bar:** An adult-only establishment whose business is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Revenue generated from the serving of alcoholic beverages must be equal to or greater than eighty percent (80%) of the total combined revenue generated by the service of such beverages and food. Revenue figures to be considered as evidence for the purpose of this ordinance are those used in calculating the meal tax amount required to be filed with the Massachusetts Department of Revenue for the preceding year.

**Business Agent:** An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

**Board:** The Board of Health of the Town of Bridgewater.

**Employee:** Any person who performs services for an employer.

**Employer:** A person, partnership, association, corporation, trust, or other organized group of individuals, including the Town of Bridgewater or any agency thereof, which utilizes the services of one (1) or more employees.

**Enclosed:** A space bounded by walls (with or without windows) continuous from the floor to the ceiling and enclosed by doors, including, but not limited to, offices, rooms and halls.

**Health Care Facility:** Any office or institution providing care or treatment of diseases, whether physical, mental or emotional, or other medical, physiological or psychological conditions including but not limited

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rehabilitation hospitals or other clinics, including 'Weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, offices of any surgeon, chiropractor, physical therapist, physician, dentist and all specialists within these professions.

**Person:** Any individual, firm, partnership, association, corporation, company or organization of any kind including, but not limited to an owner, operator, manager, proprietor or person in charge of any building, establishment, business, or restaurant or retail store, or the business agents or designees of any of the foregoing.

**Private Club:** A not-for-profit establishment created and organized pursuant to M.G.L. Ch. 180 as a charitable corporation with a defined membership. A private club is not a place of public accommodation but rather distinctly private. Criteria used to determine whether a club is distinctly private include, but are not limited to, those factors identified in 204 CMR 10.02. If the private club holds an alcoholic beverage license, said license shall be a "club license" or a "war veterans club license" as defined in M.G.L. Ch. 138, §12 and by the Massachusetts Alcohol Beverage Control Commission. Said license is subject to the terms set forth by the local licensing authority.

**Public place:** Any building, facility or vehicle owned, leased, operated or occupied by the municipality, including school buildings and grounds; any enclosed area open to the general public including, but not limited to, bars, restaurants, retail stores, retail food stores, supermarkets, libraries, museums, theaters, banks, laundromats, indoor sports arenas, auditoriums, inn/hotel motel lobbies, private and public educational facilities, shopping malls, common areas of residential buildings, public restrooms, lobbies, staircases, halls, exits, entrance ways, elevators accessible to the public, public mass transit conveyances and indoor platforms and enclosed outside platforms, open meetings of a governmental body as defined in section 11A of chapter 30A, section 23A of chapter 39 and section 9F of chapter 34, and licensed child-care locations.

**Restaurant:** Any coffee shop, cafeteria, sandwich shop, private and public school cafeteria and other eating establishment which gives or offers food for sale to the public, guests, or employees for on-premises consumption, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

**Retail Food Store:** Any establishment commonly known *as* a supermarket, grocery store, bakery or convenience store, or any other establishment which offers food items to the public for off-premises consumption.

**Retail Store:** Any establishment whose primary purpose is to sell or offer for sale to consumers any goods, wares, merchandise, articles or other things.

**Smoking:** Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, or other tobacco product in any form.

**Town:** The Town of Bridgewater.

**Workplace:** Any enclosed area of a structure or portion thereof at which one (1) or more employees perform services for their employer.

### **Section 3. Smoking Prohibited:**

1. Smoking is prohibited in all workplaces and all public places.

It shall be unlawful for any employer or other person having control of the premises upon which smoking is prohibited by this ordinance or the business agent or designee of such person, to permit a violation of this ordinance.

### **Section 4. Posting notice of prohibition:**

Every person having control of premises upon which smoking is prohibited by and under the authority of this ordinance shall conspicuously display upon the premises "No Smoking" signs provided by the Massachusetts Department of Public Health and available from the Bridgewater Board of Health or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) and comparable in size to the sign provided by the Massachusetts Department of Public Health and available from the Bridgewater Board of Health.

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**Section 5. Exceptions:**

Notwithstanding the provisions of Section 4 of this ordinance, smoking may be permitted in the following places and/or circumstances:

1. Private residences, except those portions used as a child care or health care office when operating as such.

**Section 6. Violations:**

Any employer, or his or her business agent, who violates any provision of this ordinance, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D or by filing a criminal complaint at the appropriate venue. It shall be the responsibility of the employer, or his or her business agent, to ensure compliance with all sections of this ordinance. The violator shall receive:

1. In the case of a first violation, a fine of one hundred dollars (\$100.00).
2. In the case of a second violation within 24 months of the date of the first violation, a fine of two hundred dollars (\$200.00).
3. In the case of three or more violations within 24 months of the current violation, a fine of three hundred dollars (\$300.00).

**Section 7. Enforcement:**

One method of enforcement may be periodic, unannounced inspections of those establishments subject to this ordinance. Any citizen who desires to register a complaint under this ordinance may request that the Board of Health initiate an investigation.

**Section 8. Severability:**

If any section or provision of this ordinance is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining sections or provisions.

**Section 9. Conflict with Other Laws or Regulations:**

Notwithstanding the provisions of the foregoing section 4 of this ordinance, nothing in this ordinance shall be deemed to amend or repeal applicable fire, health or other regulations so as to permit smoking in areas where it is prohibited by such fire, health or other regulations.

## Chapter 180. Problem Properties

### Article I. Registration of Vacant and Abandoned Properties

#### Section 1. Purpose; Enforcement Authority

1. It is the purpose and intent of this ordinance to protect and preserve public safety, health, welfare and security, and the quiet enjoyment of occupants, abutters and neighbors, by:
  - a. requiring all Property owners, including lenders, trustees and service companies, to register Abandoned and/or Foreclosed properties with the Town of Bridgewater; and by
  - b. regulating the maintenance and security of Abandoned and/or Foreclosed properties to help prevent blighted and unsecured residences and commercial buildings.
2. The Inspector of Buildings/Building Commissioner of the Town of Bridgewater has enforcement authority as to this ordinance.

**Section 2. Definitions** - When used in this ordinance, the following terms shall have the following meanings, unless a contrary intention clearly appears:

“Abandoned” means a residential Property which is not being used or occupied as a residence despite containing residential unit(s). Abandoned does not include a residential building that is unoccupied while undergoing renovations, or while undergoing repairs due to fire or other casualty. “Abandoned” does not apply to accessory buildings or structures on the premises nor does it apply to residential Property that is temporarily Vacant due to seasonal absences. Abandoned also includes commercial and industrial units that do not have any active business activity.

“Town” means the Town of Bridgewater.

“Commissioner” means the Building Commissioner/Inspector of Buildings of the Town of Bridgewater or his/her designee.

“Days” means consecutive calendar days.

“Foreclosed” means a Property, placed as security for a loan, as to which all rights of the mortgagor or his grantee in the Property have been terminated as a result of a default of the loan.

“Local” means within twenty miles of the Property in question.

“Local Property Management Company” means a company, the regular place of business of which is within twenty miles of the Property in question, that specialized in maintaining properties.

“Mortgagee” means the creditor, including but not limited to service companies, lenders, in a mortgage agreement, or any successor in interest of the Mortgagee’s rights, interests or obligations under the mortgage agreement.

“Property” means any real Property or portion thereof, located in the Town of Bridgewater, which contains a building, structure or other improvement; excepted from this definition is any and all town owned properties.

“Vacant” means any real Property which is not being actively used or occupied and which has not been actively used or occupied within the preceding ninety Days. This definition shall not apply to Property which is actively undergoing renovations, or repairs due to fire or other casualty. For the purpose of this ordinance, “Vacant” also includes Abandoned and/or Foreclosed Property(ies). Excepted from this definition is residential Property that is temporarily Vacant due to owner(s) seasonal absences.

#### Section 3. Registration

1. All owners of Abandoned, Vacant, and/or Foreclosed residential properties shall register such properties with the Commissioner on forms provided by the Commissioner. If the owner is an out-of-state corporation, person, or other entity, the owner shall appoint an in-state agent authorized to accept service of process and other documents under this ordinance.
  - a. Each registration must state the owner’s or agent’s name, telephone number and mailing address located within the Commonwealth of Massachusetts including name of owner, street number, street name, city or town, and zip code. The mailing address shall not be a post office box.

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- b. Each registration must also certify that the Property has been inspected by the owner and must identify whether the Property is Abandoned. Each registration must designate a Local individual or Local Property Management Company responsible for the maintenance and security of this Property. This designation must state the individual or company's name, direct telephone number, and Local mailing address. The mailing addresses shall not be a post office box.
  - i. If the owner's inspection determines that the Property is Abandoned, the registration must be received by the Commissioner within seven Days of the owner's inspection.
  - ii. If the owner's inspection determines that the Property is not Abandoned, but has been Foreclosed, the registration must be received by the Commissioner within seven Days of the foreclosure.
  - iii. If the Commissioner's inspection pursuant to paragraph (e) determines that the Property is Abandoned, the registration must be received by the Commissioner within fourteen Days of the Commissioner's citation for improper maintenance.
  - iv. If, regardless of any determination as to Abandonment or Vacancy, Property has been Foreclosed, the registration must be received by the Commissioner within seven Days of the foreclosure. It shall be the Mortgagee's responsibility to register under this paragraph.
2. All Property registrations pursuant to paragraph (c) are valid for one calendar year from the date when the registration is received by the Commissioner. An annual registration fee of two hundred dollars (\$200) must accompany the registration form. Subsequent registrations and fees are due within thirty Days after the date of the expiration of the previous registration. Subsequent registrations must certify whether the Property remains Abandoned, Vacant and/or remains in Foreclosure, as the case may be.
3. Any owner that has registered a Property under paragraph (c) must report any change in information contained in the registration within ten Days of the change.
4. Once the Property is no longer Abandoned or Vacant, or is sold, the owner shall provide the Commissioner with written notice of legal occupancy or proof of sale, as the case may be.

#### **Section 4. Maintenance and Security Requirements**

1. Properties subject to this ordinance must be maintained in accordance with the State Building Code. The owner or Local Property Management Company must inspect and maintain the Property on at least a monthly basis for as long as the Property is Abandoned.
2. In accordance with state law, including but not limited to Massachusetts General Laws chapter 143 Sections 6-10 and 780 CMR 121.0, Property that is Abandoned must be safe and must be secured so as not to be accessible to unauthorized persons and exposure to the elements.
3. Maintain Vacant properties subject to this section, including but not limited to maintaining and keeping in good repair any building(s), structures(s), and improvements, the removal of trash and debris, and the regular mowing of lawns, pruning and/or trimming of trees and shrubbery, and upkeep of other landscape features.
4. Repair or replace broken windows or doors within thirty Days of breakage. Boarding up any doors or windows is prohibited except as a temporary measure for no longer than thirty Days.
5. The Building Commissioner may order that a Property Vacant for six months or more shall have utilities shut off, removed, or cut and capped if any such utilities present a hazard or risk of accident.
6. Compliance with paragraph (d) does not relieve the owner of any applicable obligations set forth in code regulations, covenant conditions and restrictions, and/or homeowner's association rules and regulations.

**Section 5. Inspections** - Pursuant to the State Building Code, the Commissioner or his/her designee shall have the authority and the duty to inspect properties subject to this ordinance for compliance with this ordinance and to issue citations for any violations. The Commissioner or his/her designee shall have the discretion to determine when and how such inspections are to be made, provided such determination is

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reasonably calculated to ensure that this ordinance is enforced.

**Section 6. Penalties** – In addition to any other means of enforcement available to the Commissioner, the Commissioner may enforce this ordinance by means of noncriminal enforcement pursuant to Massachusetts General Laws chapter 40 Section 21D. The following penalties are established for purposes of said noncriminal disposition:

1. A failure to initially register with the Commissioner pursuant to paragraph (c): three hundred dollars (\$300.00), and a like penalty for each day's continuation of such violation.
2. A failure to properly designate the name of the Local individual or Local Property Management Company responsible for the maintenance and the security of the Property pursuant to paragraph (d): three hundred dollars (\$300.00) for each violation, and a like penalty for each day's continuation of such violation.
3. A failure to maintain and/or to secure the Property pursuant to paragraph (d): three hundred dollars (\$300.00) for each week during which the Property is not maintained and/or not secured in compliance with paragraph (d).
4. The penalties provided in paragraph (f) shall not be construed to restrict the Town from pursuing other legal remedies available to the Town.

**Section 7. Appeals** – Any persons aggrieved by the requirements of this ordinance or by a decision issued hereunder may seek relief in any court of competent jurisdiction as provided by the laws of the Commonwealth.

**Section 8. Applicability** – If any provisions of this ordinance impose greater restrictions or obligations than those imposed by any general law, special law, regulation, rule, ordinance, order or policy, then the provisions of this ordinance shall control.

**Section 9. Severability** - If any provision of this ordinance is held to be invalid by a court of competent jurisdiction, then such provisions shall be considered separately and apart from this ordinance's remaining provisions, which shall remain in full force and effect.



## **Chapter 220. Water and Sewer**

### **Article I. Use of Water**

#### **Section 1.**

No person shall without permission of the Water Supply Director, make an opening in or connection with, or turn off or draw off water from, a water pipe, stand pipe, well or reservoir owned by the Town, or in accordance with a written permit from the Water Supply Director in case of fire in the neighborhood, allowing water to be taken from the premises, or use the water for any purpose other than that for which he pays; or unscrew or open a hydrant attached to the water pipes of the Town; or, excepted in accordance with the regulations of the Department of Public Works discharge water through a hand held hose; nor shall any person interfere with the registering apparatus of water meter put in by the Town or damage or injure such meter.

### **Article II. Water Systems, Malicious Interference With**

#### **Section 1.**

If any person or persons shall wantonly, maliciously, intentionally or negligently divert the water, or any part thereof, of any of the water source or sources, used by the Town of Bridgewater for water supply purposes, or shall corrupt the same or render it impure, or destroy or injure any dam, aqueduct, well, stand pipe, conduit, hydrant, machinery or other property held, owned or used by the said Town, every such person or persons shall forfeit and pay to the Town, three times the amount of the damages that shall be assessed therefore, to be recovered by any proper action. And every such person may, on complaint and conviction of either of the wanton and malicious, negligent or intentional acts aforesaid, be punished by a fine, not exceeding that allowed by law.

### **Article IV. Water Use Restrictions**

#### **Section 1.**

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

#### **Section 2.**

The purpose of this Ordinance 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.

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, § 1517.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the Town pursuant to this Ordinance.

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.**

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The Town, through its Department of Public Works Director or his designee, with the advice of the Water and Sewer Board, may declare a State of Water Supply Conservation upon a determination that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this ordinance before it may be enforced.

#### **Section 5.**

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under section 6.

- a) Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd numbered addresses is restricted to odd numbered days. Outdoor watering by water users with even numbered addresses is restricted to even numbered days.
- b) Outdoor Watering Ban: Outdoor watering is prohibited.
- c) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand to be specified in the declaration of a State of Water Supply Conservation and public notice thereof
- d) Filling Swimming Pools: Filling of swimming pools is prohibited.
- e) Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited.

#### **Section 6.**

Notification of any provision, restriction, requirement or condition imposed by the town as part of a State of Water Supply-Conservation shall be published on the Town's web site or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under section 5 shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

#### **Section 7.**

A State of Water Supply Conservation may be terminated by the Department of Public Works Director, or his designee, upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required by section 6.

#### **Section 8.**

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

#### **Section 9.**

Automatic lawn sprinklers are not allowed to be connected to the Town's water supply at any time.

## Chapter 240. Soils, Sand and Gravel Pits

### Article I. Removal of Soils, Sand

#### Section 1.

The removal, commercial or otherwise, of earth from any premises, shall be prohibited except when incidental to and in connection with the construction of a building or street.

#### Section 2. Definitions

- (1) "Earth" shall include soil, sand, clay, gravel and rock.
- (2) "Council" shall mean the Town Council or any legally authorized representative thereof.

#### Section 3. Procedures

All applications for permits shall be accompanied by exhibits and documentation deemed necessary by the Council for the proper issuance of a permit.

The application shall include the following specific information and supporting documentation:

- (1) The location of the proposed excavation.
- (2) The legal name and address of the owner of the property involved.
- (3) The legal name and address of the petitioner.
- (4) Names and addresses of all abutting property owners including those across any streets.
- (5) Plan of land involved prepared by a registered land surveyor or professional engineer, showing All man-made features, property lines, vegetative cover, and the topography by five foot contours 100' beyond the limits of the property where the proposed excavation is to take place.
- (6) A plan of land showing five foot contours of the site after the proposed completion of excavation.
- (7) Estimated quantity of material to be removed and topsoil to be replaced, to be calculated by a registered land surveyor or professional engineer.
- (8) A proposed form of bond to be used which must be approved as to form, style and substance by the Board.

The permit issued by the Council shall state all the conditions imposed, including but not limited to:

- (1) The finished level and grading (no slope to exceed a grade of two feet horizontal distance and one foot vertically).
- (2) No excavation below the natural grade of any boundary line shall be permitted closer than fifty feet to such boundary. Boundaries of the property and the proposed excavation shall be set on the ground.
- (3) The placing of topsoil to a depth of not less than six inches, seeding, and planting necessary to restore the area.
- (4) The applicant agrees by acceptance of the permit to allow the Town access to the property to conduct inspections to determine compliance with the conditions of the permit.
- (5) The duration of the removal operation (renewable annually with a hearing).
- (6) The construction of necessary fencing and other protections against nuisances may be required.
- (7) Method of removal.
- (8) Temporary structures.
- (9) Hours of operation.
- (10) Routes of transportation of material.
- (11) Control of temporary and permanent drainage.
- (12) Disposition of boulders, tree stumps and other waste material.
- (13) Vegetation to remain as visual barrier.
- (14) Posting of security or bond.

Any permit issued by the Council shall automatically expire upon the termination date stated therein. A special permit for any earth removal shall not be issued for more than one year's duration and may be renewed thereafter only after a public hearing legally advertised 14 days prior to the hearing at the expense of the applicant.

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No permit for earth removal shall be issued if such removal will:

- (1) endanger the general health or safety or constitute a nuisance;
- (2) result in detriment to the normal use of adjacent property by reason of noise, dust or vibration.

No permit for earth removal shall be approved by the Council if the work extends within 300 feet of a way open to public use, whether public or private, nor will a permit be issued if there is an insufficient vegetative barrier to remain on the property upon completion of the project to prevent view of this project from a way.

The Council shall not issue an Earth Removal Permit until a public hearing has been held upon the application for a permit to remove earth materials. Within thirty (30) days after the receipt of any such application the Council shall cause a notice of the time and the place of such hearing thereof and of the subject matter sufficient for an identification to be published in a newspaper of general circulation in the town at least once, the first publication to be not less than fourteen (14) days before the day of such hearing and also send notice by mail, postage prepaid, to the abutters of said property and owners of land across the way where the permit is intended to be exercised at the expense of the applicant.

A permit shall not be required when the earth removal is incidental to and in conjunction with the permitted construction of a building or street.

#### **Section 4. Validity**

The invalidity of any section or provisions of this Ordinance shall not invalidate any other section or provisions thereof.

#### **Section 5. Penalty**

Penalties shall be in accordance with Chapter 40, Section 21, Paragraph 17, as amended. The Council may revoke or suspend the permit of any person, firm or corporation holding a permit under this ordinance if such person, etc., violates, disobeys, or fails to comply with any of the provisions of this ordinance.

## **Chapter 250. Solid Waste**

### **Article II. Recycling**

#### **Section 1.**

This Ordinance shall be known and cited as the Municipal/Residential Recycling Ordinance.

#### **Section 2.**

Definitions:

Collectible Materials shall include food wastes and solid wastes (exclusive of all "recyclables" and non-collectable materials defined below) generated from the operation of a household.

Recyclables shall include discarded materials and/or items which may be reclaimed and which are considered "saleable" and "reusable", including the following: Newsprint, Cardboard (uncoated only), and Corrugated Materials (uncoated only), Computer Paper, Glass Bottles And Jars, Plastic Beverage Jugs, Compost, Used Motor Oil. Other Collectable Materials shall include White Goods (refrigerators, stoves, washers, dryers, freezers, scrap metal), Tires (hubcaps and rims removed), Household Hazardous Waste.

Non-Collectable Materials shall include Construction Debris, Stumps, and Bulk Items (mattresses, rug pieces over 4' in length).

#### **Section 3.**

All recyclables shall be separated from non-recyclables, and placed in a rigid, reusable container in the following manner:

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Newsprint shall be kept securely in a reusable container.

Cardboard and Corrugated Products are to be flattened and kept apart from other recyclable materials.

Computer Paper are to be kept apart from other recyclable materials.

Glass Bottles and Jars separate by:

1. Color
  - a. Clear glass only
  - b. Colored glass (green and brown)
2. Removal of caps, lids, rings, or corks required for each item.
3. Reusable Containers must be used to store each color of glass

Plastic beverage containers shall be placed in a reusable container.

Compost – leaves, lawn clippings and small branches shall be placed in reusable containers, said containers shall be emptied at the Bridgewater Composting Center.

Used Motor Oil – used motor oil shall be submitted to said designed “recycling center” site, as determined by the Health Agent.

Other Materials – white goods, tires, and household hazardous waste, as previously defined, shall be stored in a safe manner until the next scheduled Town Collection Day, to be held annually, or as the Health Agent shall determined.

#### **Section 4.**

Recyclables shall be kept separate from other garbage and/or rubbish. In the case of a household contracting for curbside collection, said recyclables shall be placed at the street curb, in the appropriate containers, for collection according to a schedule to be determined by the Health Agent, or his designee, and in the case of a household utilizing the town convenience area, said recyclables shall be taken by the householder to a designated recycling-collection site. Recyclables not handled as specified in Section 3, above, shall not be collected under a curbside collection facility. In the event of rain or snow, no paper recyclables will be collected and none should be placed out for collection.

#### **Section 5.**

Apartments containing greater than eight (8) units, condominiums and businesses serviced by private collectors may properly dispose of recyclables at the designated recycling-collection site; upon authorization of the Health Agent or his designee.

#### **Section 6.**

No person, company, corporation or other entity engaged in the business of separation, recovery, collection, removal, storage, or disposition of garbage, rubbish or other refuse shall also pickup and procure “recyclables” unless so authorized by the Health Agent to also engage in the collection of “recyclables.” This restriction shall also include any independent citizen, resident, taxpayer, or person who might engage in such practice for personal gain.

#### **Section 7.**

No person may collect materials from the curb unless authorized to do so by the Health Agent.

#### **Section 8.**

The Health Agent shall periodically review those items to be recycled as to their cost effectiveness. The Health Agent shall not discontinue recycling of an item unless such item shall not be cost effective, but at all times the Health Agent shall be in compliance with the Mass General Laws and D.E.P. regulations. The Health Agent shall have the option to implement the recycling of additional items.

### **Article III. Plastic Bag Ordinance**

#### **Section 1. Purpose and Intent**

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including, but not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land environment; creating a burden to solid waste collection and recycling facilities; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture.

The purpose of this Ordinance is to reduce the usage of thin-film single-use plastic bags by all retail establishments in the Town of Bridgewater.

## **Section 2. Definitions**

“Thin-film single-use plastic bags,” typically with plastic handles, are bags with a thickness of 2.5 mils or less and are intended for single-use transport of purchased products.

“ASTM standard” a testing standard developed by the American Society for Testing and Materials.

“Biodegradable bag” means a bag that: 1) contains no polymers derived from fossil fuels; and 2) is intended for single use and will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.

“Reusable bag” means a bag, with handles, that is specifically designed for multiple use and is made of thick plastic, cloth, fabric or other durable materials.

“Retail Establishment” – any retail store with gross interior space of 3,000 square feet or more, exclusive of stockroom, office, storage and other space ancillary of a publicly accessible space intended to be frequented by consumers, or at least (3) locations under the same ownership or brand name within the town of Bridgewater or the Commonwealth of Massachusetts.

## **Section 3. Use Regulations**

Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail establishment within the Town of Bridgewater.

Customers are encouraged to bring their own reusable or biodegradable shopping bags to stores. Retail establishments may provide reusable or recyclable thick plastic, paper, fabric or other types of bags at no charge, or charge a fee for paper or other bags, as they so desire. Retail establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

## **Section 4. Administration and Enforcement**

The Town Manager shall establish a review process to make determinations as to the classification of new single-use bag products, as they come on the market, to determine if they are compostable or biodegradable and meet, or exceed, ASTM D6400 for compostable plastic.

The Inspectional Services Department shall be responsible for enforcing this Ordinance through the issuance of a non-criminal citation notice. A non-criminal citation notice may be reissued for each day that the activity persists until the violation is corrected.

Non-Criminal Dispositions. Fines assessed under Sections 4.2 of this ordinance may be assessed through non-criminal process in accordance with Massachusetts General Laws Chapter 40, Section 21 D. The availability of non-criminal process under this article shall not preclude the use of criminal process or other means of enforcement allowable under law.

Each day on which any such violation continues shall be considered a separate violation of this section.

Violations under this Article shall be punishable as follows:

- 1) First offense by a written warning;
- 2) Second offense by a fine of \$100;
- 3) Third offense by a fine of \$200;
- 4) Fourth and each subsequent offense by a fine of \$300.

## **Section 5. Effective Date**

This Ordinance shall become effective 180 days after adoption.

**ROLL CALL VOTE: REQUIRES MAJORITY VOTE OF FULL COUNCIL (5)**

## **Chapter 260. Streets and Sidewalks.**

### **Article I. Work on Sidewalks and Streets**

#### **Section 1.**

No person shall break or dig up any public sidewalk, street, or highway, or place thereon any staging or other temporary structure, without a written permit from the Department of Public Works Director or his designee. Any alterations to drainage structures or to natural run-off on public or private property that affects Town property or the traveled way be resolved by the private party to the satisfaction of the Town Engineer and the Department of Public Works Director or his designee. Any person having such a permit shall, before the expiration of the same, restore such sidewalk, street or highway to its original condition or to a condition satisfactory to the Department of Public Works Director or his designee. Any permit issued under the provisions of this section shall be in force for such time as the permit may specify and shall be subject to such other conditions as the permit may prescribe, and especially in every case upon condition that during the whole of every night from sunset to sunrise, lighted lanterns and proper barriers shall be so placed as to secure travelers from danger. No person having obtained such a permit shall fail to comply with the conditions thereof. The Department of Public Works Director or his designee shall have the right to revoke the same at any time, and may require a bond either before or after the commencement of work or during its progress, to secure its proper performance.

### **Article II. Discharge of Weapons on Public Ways**

#### **Section 1.**

No person shall fire or discharge any gun, pistol or other 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.

### **Article III. Dangerous Articles in Streets**

#### **Section 1.**

No person shall throw or place or cause to be thrown or placed upon any public street or highway of the town, any nails, spikes, screws, glass, tin cans, or other similar articles.

### **Article IV. Sidewalk Openings**

#### **Section 1.**

No person shall suffer a platform, or grate of an entrance or opening to a cellar or basement in any public street or sidewalk to rise above the surface of any such street or sidewalk, and every such entrance or opening shall at all times be covered by a suitable covering. Such entrances or openings, when in use, shall be properly guarded.

### **Article V. Use of Sidewalks**

#### **Section 1.**

No person shall throw or place upon any public sidewalk or street crossing, any banana skin, orange skin or other slippery substance. No person shall drive, wheel or draw any vehicle except a child carriage pushed or drawn by hand, upon any sidewalk, nor permit any horse or any cattle, swine or sheep under his care, to go upon or otherwise obstruct any sidewalk. This ordinance does not affect the right of travel or entrance into a driveway.

### **Article VI. Snow and Ice**

#### **Section 1.**



No owner or person having the care of a building, abutting upon any brick, concrete or other curbed or finished sidewalk, the roof of which building slants toward such sidewalk, shall permit such building to be without a bather, snow-guard or other device to prevent the falling of snow or ice from such roof to the sidewalk.

## **Article VII. Removal of Vehicles Due to Snow Plowing / Damage to Property within Town Layout**

### **Section 1.**

Whenever for the purpose of removing or plowing snow or removing ice from any way, it becomes necessary to remove or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work, the Roadways Superintendent, or other officer having charge of ways, or duly authorized police officer, is hereby authorized to remove, or cause to be removed, the said vehicle and liability for the cost of such removal, and of the storage charges, if any resulting therefrom, shall be imposed upon the owner of such vehicle. The Town shall not be responsible for damage incurred to mail boxes, fences, trees, shrubs and/or other obstruction located within the Town layout, resulting from snow removal.

## **Article VIII. Pumping of Liquids onto Public Ways**

### **Section 1.**

No person shall pump water or other liquids onto any sidewalk, street or public way during the months of November to April so as to create a dangerous condition or damage to Town property, unless granted written permission from the Department of Public Works Director to address an emergency which risks injury or property damage.

## **Article IX. Snow Removal and Blocking of Sidewalks and Public Ways**

### **Section 1.**

No person shall remove snow or ice from any private property or sidewalks, driveways, or driveway aprons and place said snow or ice so as to block a sidewalk or a Town way, or create a dangerous condition.

## **Article X. Removal of Signs**

### **Section 1.**

Any person who removes or defaces a sign or marker that has been placed along a public or private way by, or at the request of, a municipal or public agency, or any person who is found in the possession of the same, shall be fined \$300 or the replacement cost of the sign and the labor cost to reinstall it, whichever is greater.

## **Article XI. Crosswalks**

### **Section 1.**

A ladder style crosswalk shall be defined as a set of parallel lines marking the boundary of the crosswalk with perpendicular lines connecting the parallel lines to make the whole pattern appear to be similar to a ladder. The Central Business District is an overlay defined elsewhere by the Town of Bridgewater that includes Central Square, Broad Street, and parts of Main and Summer Streets.

### **Section 2.**

Crosswalks contained within the Central Business District, and within 100 feet of the Central Business District, shall be painted in a ladder style pattern to make the crosswalk highly visible to vehicle traffic. When the crosswalk is adjacent to a legal parking space, the gap between the crosswalk and the parking space shall be filled with a pattern so that no one shall confuse the gap with legal parking.



## **Article XII. Vehicle Parked or Interfering with Fire Lanes**

### **Section 1.**

Any vehicle in a duly established fire lane either parked or interfering with the travel of an emergency vehicle in such fire lane may be removed by or under the directions of the Police Chief or his designated representative to a public garage or any convenient place within the Town of Bridgewater. The Police Chief or his representative shall give notice to the registered owner of the vehicle of the location of the owner's vehicle. The owner, before being permitted to remove the vehicle, shall establish his/her right so to do and pay to the keeper of the place of storage the fee for removal and storage resulting therefrom as promulgated from time to time by the Town Manager.

## **Article XIII. Municipal Separate Storm Sewer System (MS4)**

### **Section 1.**

#### **Definitions**

Detention Basins - A man-made basin-like structure which is designed to collect storm water runoff and detain it for a specified period of time.

Contaminated Water - Water that contains higher levels of Pollutants, including without limitation implied, heavy metals, toxics, oil and grease, solvents, nutrients, viruses and bacteria greater than permitted in waters of the U.S. by the Act and implementing Regulations.

Direct Connection - Any discernible, confined and discrete conveyance including but not limited to any pipe, drain, channel, conduit, tunnel, or swale whether above ground or below ground which directs water into the MS4.

Direct Connection License - A license granted by the Town for the continued maintenance by an Owner of a Direct Connection to the MS4.

Discharge - Any non-naturally occurring addition of water or of Storm Water to the MS4.

Dumping - An act or omission of any person or entity the proximate result of which is the introduction of a Pollutant into the MS4.

Exempted Discharges - Discharges from the following sources unless in any instance such Discharge would result in a substantial and continuing increase in the level of a Pollutant in the waters of the U.S.: water line flushing, landscape irrigation, diverted stream flows, rising ground water, pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges (e.g. where the Discharge contains less than 1ppm of chlorine.), street wash water, rain run-off from roofs.

Existing Source - Any building, structure, facility or installation from which there is a flow of Storm Water or Exempted Discharge the construction of which building, structure, facility or installation occurred prior to December 2, 2002.

Illicit Connection - Any drain or conveyance, whether on the surface or subsurface, which allows an Illicit Discharge to enter the MS4.

Illicit Discharge - Any release into the MS4 of Contaminated Water, any Discharge of Storm Water from a Direct Connection for which a Direct Connection License is not in force and effect, any Discharge which is not an Exempted Discharge, or any Discharge from an Indirect Connection not in compliance with this Ordinance.

Indirect Connection - The natural drainage of Storm Water over or under the surface of the ground (whether instigated by human endeavor or not) via gravity into the MS4.

Municipal Separate Storm Sewer System or MS4: The Storm Water collection system which is made up of open water courses, swales, ditches, culverts, canals, streams, catch basins and pipes through which the storm water flows and the Town Public Ways over which it flows which is owned and operated by the Town for the purpose of collecting or conveying storm water to a discharge point.

New Source - Any building, structure, facility or installation from which there is or may be a Discharge of Storm Water the construction of which building, structure, facility or installation commenced after adoption of this ordinance.

NPDES Permit - The National Pollution Discharge Elimination System Permit issued by the federal Environmental Protection Agency to the Town.

Owner - The owner of a parcel of land recorded in the Assessor's Office of the Town.

Pollutant - Dredged spoil, solid waste, incinerator residue, filter back-wash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, rock, sand, animal or agricultural waste, oil, grease, gasoline or diesel fuel.

Public Ways - Any road (including such appurtenances such as berms, curbs, drains, catch basins, sewers, water mains, sidewalks and paved and unpaved shoulders within the paper lay-out) to which the public has access and that the Town is responsible for maintaining

Storm Water - Rainfall that exceeds the soil's capacity contemporaneously to absorb it and which, instead, runs across the surface of the ground as run-off.

Open Storm Water Drainage Facilities - Any man-made depression within a tract of land that is designed to direct and/or regulate the flow of storm water runoff (e.g. swale).

Routine Maintenance - The removal of debris and the periodic cutting of vegetation which would otherwise impede or alter storm water drainage flows. Maintenance within detention basins or other open storm water drainage facilities shall be typical and consistent with the maintenance of surrounding lands.

## **Section 2.**

The deed for any lot which will serve as the location for a detention basin or any other open storm water drainage facility shall specify that the lot owner or his successor, heirs or assigns shall be responsible for the routine maintenance of said basin or facility as defined herein. A copy of the deed with such a restriction, which has been recorded at the Plymouth County Registry of Deeds, shall be submitted to the Department of Public Works Director before a building permit is issued for the lot. The owner of a lot which serves as the location for a detention basin or any other open storm water drainage facility shall be responsible for the routine maintenance of said basin or facility as defined herein.

## **Section 3.**

The Department of Public Works Director, or his designee, shall be responsible for enforcing the provisions of this Ordinance.

## **Section 4.**

No person or entity shall do or suffer to be done any Dumping into the MS4, including without limitation implied, the placing or emptying into any catch basin or other portal to the MS4, of any Pollutant. No Owner shall cause an Illicit Discharge to be made to the MS4 whether from a Direct or Indirect Connection. No Direct Connections from a New Source shall be permitted.

An existing Direct Connection from an Existing Source shall be allowed to continue provided that (i) the Owner must apply for and thereafter be granted a Direct Connection License, and (ii) the Owner must Discharge only Storm Water which is not Contaminated Water via the Direct Connection.

Indirect Connections from Existing Sources shall be allowed provided that (i) only Storm Water which is not Contaminated Water is Discharged or a Discharge constituting an Exempted Discharge occurs, and (ii) the Discharge does not cause safety problems due to icing or flooding of the Public Ways or cause damage to the Town's property.

Indirect Connections from New Sources shall be allowed provided that (i) sub-surface infiltration trenches are used which comply with criteria established in the Town's Sub-Division Rules and Regulations, and (ii) only Storm Water which is not Contaminated Water is discharged or a Discharge constituting an Exempted Discharge occurs..

## **Section 5.**

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Any person or entity which causes or suffers to occur a Dumping, shall be subject to a fine. Any Owner who causes or suffers to occur an Illicit Discharge to emanate from his property shall be subject to a fine. Any Owner who allows a Direct Connection to be maintained on his property (whether or not it results in an Illicit Discharge) without applying for and receiving a Direct Connection License from the Town shall be subject to a fine.

#### **Section 6.**

If an Illicit Discharge or a Dumping occurs, the Department of Public Works Director shall give or cause to be given written notice directed to the Owner of the parcel from which the Illicit Discharge is emanating and or to any person or entity responsible for a Dumping, ordering an immediate cessation of any act or condition in violation of this Ordinance. The Department of Public Works Director may then or thereafter assess a penalty in accordance with this Ordinance.

The Department of Public Works Director either with such notice or at any reasonable time thereafter may order the Owner or any such person or entity to begin and thereafter diligently prosecute to completion, such remediation efforts as the Department of Public Works Director in his reasonable discretion may deem appropriate. In such notice, the Department of Public Works Director shall also advise the Owner or such other person or entity of the opportunity to request a hearing before the Hearings Officer and of the opportunity at the hearing to present evidence to refute such alleged violation or to dispute the reasonableness of any penalty assessed or the reasonableness of the exercise of discretion by the Department of Public Works Director in ordering remediation.

If the Department of Public Works Director determines that the Illicit Discharge resulted from a Direct Connection to the MS4, the Department of Public Works Director shall revoke the Owner's Direct Connection License forthwith. After Owner has fully completed all remediation ordered by the Department of Public Works Director, Owner may hereafter apply to the Department of Public Works Director on the form and utilizing the procedures from time to time prescribed by the Department of Public Works Director, for a new Direct Connection License which the Department of Public Works Director shall consider in the same manner as any other new application.

### **Article XIV. Street Acceptance**

#### **Section 1.**

The Town Council shall consider a petition for road acceptance based on public benefit, condition of the way, Town resources, and any other factor it deems significant, and upon such consideration shall determine whether to proceed with evaluation of the proposed layout as set forth below. As part of such consideration the Council shall hear all those Town Departments and petitioners who desire to be heard, and may hear all others at its discretion. The Town, through the Town Manager, may assess betterments for such portion of the costs of laying out and improving ways to provide for their acceptance by the Town as it shall determine appropriate.

#### **Section 2.**

A petitioner wishing to petition the Town to accept a road shall file a petition with Town Council Clerk. The Petitioner shall include as part of the petition, the current ownership of the road layout, the names of all the abutters, and the designation of the point of contact for the Petitioner. The Petitioner also must submit an “as-built” or “acceptance” plan, completed in accordance with the Rules and Regulations of the Planning Board. The Petitioner may be made on the initiative of the Council.

#### **Section 3.**

Petition shall be reviewed by the Department of Public Works Director or his designee, the Water Supply and Water Pollution Control Superintendent, the Fire Chief, the Police Chief, and the Conservation Agent for conformance to state and local laws and ordinances, as well as conformance to Town construction standards. Other Town departments may provide recommendations. The Department of Public Works Director or his designee, the Water Supply and Water Pollution Control Superintendent, the Fire Chief, the Police Chief, and

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the Conservation Agent shall submit their approval or disapproval to the Council Clerk within 60 days after the initial petition is filed with the Council Clerk.

#### **Section 4.**

No later than 180 days from the filing of the petition, the Town Council shall vote whether it intends to lay out the way and the vote becomes a public record. If affirmatively voted, the Town Council shall refer the petition and departmental recommendations to the Planning Board for non-binding recommendation. The Planning Board has forty five (45) days to report. If no report is made within said forty five days after it received the petition, the proceedings continue with the Town Council.

#### **Section 5.**

The Council shall schedule a public hearing. At the petitioner's expense, notice of the public hearing shall be given by the Town Council as follows: (i) At least fifteen (15) days before the hearing is scheduled, notice of the time and place of the hearing and a copy of the petition must be filed with the Town Clerk, and (ii) at least seven (7) days before the hearing, notice shall also be given by posting the petition and notice in two (2) or more public places in the Town, one of which shall be the Town web site, and, (iii) publishing same in a newspaper of general circulation, publication to be at least seven (7) days before the proceedings, and (iv) certified mailing, return receipt, to the owners of record of land to be taken (abutters) shall be required. The notice to abutters shall contain a description of the proposed taking; the date, time and place of the hearing; and the place where the plan can be reviewed. The petitioner shall present the signed return receipts to the Council Clerk prior to the public hearing.

#### **Section 6.**

The Town Council, or a committee designated by the Council, shall hold the public hearing. At the conclusion of the hearing, or after a recommendation is submitted to the Town Council from any designated committee, the Town Council, by majority vote, shall make a finding that the laying out is required by common convenience and necessity. If there is no objection to the petition at the time of the public hearing, the Council may adopt an Order, by majority vote, to lay out the way. The Council Order must be adopted within twelve (12) months after the petition.

#### **Section 7.**

The Town Council shall, at the time a way is laid out, take necessary land, easements, or right by Eminent Domain. Within thirty (30) days after the Town Council adopts the Order of Taking, the order must be recorded with the Plymouth County Registry of Deeds and/or the Registry District of the Land Court. The cost of recording shall be borne by the petitioner.

#### **Section 8.**

The manner in which the way is laid out shall be specified in a report transmitted to the Town Clerk by the Town Council. The report shall give a description of the location and bounds of the way. Within ten (10) days of receiving the report, the Town Clerk shall record the report in a book kept for that purpose.

## **Chapter 290. Shade Trees**

### **Article I. Shade Trees**

#### **Section 1.**

This Ordinance is based on MGL, Chapter 87, Shade Trees, and MGL, Chapter 242, Waste and Trespass. It is meant to provide further clarification, implementation and enforcement of procedures applicable to the Town of Bridgewater.

Bridgewater is committed to maintaining and protecting its natural resources in order to enhance the quality of life of its citizens. It is a well established fact, that Trees, Shrubs, and Plants moderate the negative effects of pollution, temperature and water runoff. The trees and other vegetation growing along its roads contribute to the health of its citizens and beauty of the environment. Wildlife habitats are sustained and the rural character

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of the community differentiates it from more urban surroundings. In concert with the Master Plan, and Town ordinances, the economic value of the landscape along its roads, appeals to one's aesthetic sensitivity and connotes a sense of stability in commercial and residential areas.

The following definition shall apply:

**Hazardous Tree:** A tree with structural defects likely to cause failure to all or part of the tree, which could strike a target such as a person, vehicle, utility lines, structures, or block public ways.

**Public Tree:** Any tree on public land, including public shade trees.

**Public Shade Tree:** A tree growing within or on the boundary of the public right-of-way and subject to the Provisions of MGL, Chapter 87. In Bridgewater a tree may also be considered to be in the public way if either its root system or its branches extend into the public way as determined by the Tree Warden, Highway Department or Planning Board. A tree on a private way that has been laid out such that it will remain open to the public.

**Tree Warden:** The elected town official responsible for implementing and enforcing state and town laws and policies regarding trees subject to appeal to the Hearings Officer as herein provided.

## **Section 2.**

Public shade trees shall not be cut, broken, defaced, mutilated, set fire to, or permit a fire such that its heat will injure any portion of the tree, shrub or plant. Nailing of signs, posters, handbills, paint and rope or wire (other than that used to support a young or injured tree) is prohibited. Attaching electrical conduits, telephone or cable wires, allowing gaseous liquid or solid substances which are harmful to a tree, its leaves or root system are prohibited. Temporary stringing of holiday lights that are in compliance with the above may be permitted.

No person shall, without lawful authority, remove, cut, deface, mutilate or apply paint to any tree, bush or flower or plant growing on land held under the jurisdiction of any Town board.

## **Section 3.**

Any person, firm, corporation or agency that in the course of construction or subdivision development wishes to remove any living Public Shade Tree with a caliper 1.5" or greater at 5 feet above grade level shall, in accordance with Chapter 87 Section 3 of the Massachusetts General Laws, obtain a permit from the Tree Warden; and, if removal is permitted, shall at no cost to the Town, within the spring or fall months following completion of construction, replace in locations specified by the Tree Warden a number of smaller trees determined to be equivalent on the following basis:

The total caliper of all replacement trees shall equal or exceed the total caliper of all trees to be removed.

Replacement trees shall be balled and burlapped and of a caliper not less than 2 " in diameter at 5' above grade level. Species, caliper and location of replacement trees shall be determined by the Tree Warden at the time of issuance of the permit and/or hearing.

The Tree Warden may require a bond, escrow account, irrevocable letter of credit, or other surety to ensure Public Shade Tree replacement. Such surety may be held for one year from the date of planting to ensure survival of the replacement trees. At the option of the applicant, the Town may, upon payment of an agreed-upon sum, replace said trees according to the standards herein set forth.

When highway or utility projects require the removal of public shade trees, the cost of tree replacement shall be included in the cost of the project.

## **Section 4.**

A 12 foot square barrier shall be placed around any tree including its roots and branches where excavation, construction or repair of a building, structure or road work is taking place. No person shall excavate any ditches, tunnels, trenches, lay any driveway, turn around or parking facility or place building material, chemicals, or other materials which may prohibit the tree from getting water, air and fertilizer including excess dirt or other debris, within this barrier without first obtaining a permit from the Tree Warden.

## **Section 5.**

Public shade tree removal procedures are the responsibility of the Tree Warden. These procedures assure

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compliance with state and federal law and are intended to prevent hasty or ill-considered destruction of valuable town assets.

#### **Section 6.**

Any person wishing to cut, trim or remove a public shade tree, shrub or plant within the public way must obtain a written permit from the Tree Warden. The permit enables the person to a public hearing as specified in MGL, Chapter 87, Section 3. The person requesting the permit shall bare all costs for the hearing as determined by the Tree Warden and payable upon receiving the permit. This applies to all projects that involve construction of structures, roads, sidewalks, and delivery of water/sewer and utility systems.

#### **Section 7.**

A contractor engaged in the business of pruning, trimming or removing trees must be licensed and approved by the Tree Warden in compliance with A.N.S.I.Z-133 and N.A.A. standards. The tree removal contractor shall provide certificates of insurance as follows:

- \$ 100,000. Workmen's Compensation
- \$ 300,000. Bodily Injury
- \$ 300,000. Property Damage
- \$1,000,000. Excess Liability

#### **Section 8.**

Upon successful completion of the Permit and Hearing process, the applicant shall pay for the following: the Tree Removal contractor; A bond in a form and amount approved by the Tree Warden, prior to commencement of work, (The Bond will be released after the successful completion of all items of work. Such surety may be held for up to one year from date of planting of replacement tree(s) to ensure their survival); All legal advertising/notices/mailings; Cost of shrub, plant, tree and stump removal including disposal of all debris and grading the area with loam; Cost of police traffic details, repair of road and shoulder, protection and restoration of utilities and structures; All other costs related to the tree, shrub and plant removal and replanting; Replanting of replacement tree(s) etc. at the discretion of the Tree Warden with consultation of the Department of Public Works.

The Tree Warden has jurisdiction over all public shade trees, shrubs, and plants in the town of Bridgewater. Nothing in this Ordinance shall prohibit the Tree Warden from refusing to permit the removal of a non-hazardous tree. The Tree Warden may refuse to grant the permit for the removal of a non-hazardous tree if in his/her judgment, the tree is of historic or scenic value, of a size or species unique to this area, beneficial to wildlife or a healthy, significant specimen for this landscape. Likewise, any tree or shrub growing within the public right of way which may endanger the life, health, safety or property of the public, or public's needs for services may at the determination of the Tree Warden cause the tree, or shrub to be trimmed or removed. These may include but are not limited to hazardous trees.

#### **Section 9.**

In addition to this levied by Chapter I, any person who cuts, trims, damages or removes a public shade tree without a permit and hearing as required by law shall be subject to cumulative fines as follows: Up to \$500. as provided by MGL, Chapter 87, Section 6; A fine of \$20 under provisions of MGL, Chapter 87, Section 2; The value of the wood; Triple damages under MGL Chapter 242, Section 7.

The Town requires replacement of any public shade tree over 1.5 inches in diameter. The value of the existing shade tree is to be calculated on a two inch for one inch replacement basis. For example, if an 18 inch diameter tree, measured five feet above grade is to be removed, the applicant must sufficiently reimburse the Town for purchase and planting of nine, two inch diameter replacements. Replacements shall be at least two inch in diameter, B&B nursery grown stock. The Tree Warden may determine the species. At the discretion of the Tree Warden, the person who removed the tree shall either (i) Arrange to plant suitable replacements using his own contractor working to the Town's specifications, or (ii) make a contribution to the Town to be used exclusively for the purchase and planting of replacements, and related expenses.

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If an applicant proposes to trim or prune a public shade tree, and in the opinion of the Tree Warden the proposed work will drastically affect the health, beauty, structural stability, or safety of the tree, the Tree Warden may consider the proposed work to have the same effect as the removal of the tree and require appropriate replacement plantings as indicated above.

Decisions made by the Tree Warden in granting or denying a permit may be appealed to the Hearings Officer within ten (10) days from the date of the decision.

## **Chapter 300. Vehicles**

### **Article I. Parking of Unregistered Vehicles.**

#### **Section 1.**

The owner or person in control of any private property shall not suffer or allow the parking or maintenance of more than two unregistered vehicles in the open, on any premises, or lot or parcel of land in any Residential Zoned District in the Town of Bridgewater.

## Chapter 320. Wetland Protection

### Article I. Wetland Protection

#### Section 1. Purpose

The purpose of this ordinance is to protect the wetlands, related water resources, and adjoining land areas in the Town of Bridgewater by controlling activities deemed by the Bridgewater Conservation Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution control, fisheries, wildlife habitat, recreation, aesthetics, and agricultural values (collectively, the “wetlands values protected by this ordinance”).

#### Section 2. Jurisdiction

Except as permitted by the Bridgewater Conservation Commission or as provided in this ordinance ~~by law~~, no person shall remove, fill, dredge, build upon, or alter the following areas:

- a) Within 100 feet of any freshwater wetland, marsh, wet meadow, bog or swamp;
- b) Within 100 feet of any bank, lake, pond, stream;
- c) Any land under said waters;
- d) Within 100 feet of any land subject to flooding or inundation by groundwater or surface water.

#### Section 3. Exceptions

A Notice of Intent required by this ordinance ~~by law~~ shall not be required for maintaining, repairing, or replacing an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, provided that:

- a) The structure or facility is not substantially changed or enlarged;
- b) Written notice, with detailed plans of the work to be performed has been given to the Conservation Commission prior to commencement of work;
- c) The work conforms to performance standards and design specifications in regulations adopted by the Commission.

A Notice of Intent required by this ordinance ~~by law~~ shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that any one of the following apply:

- a) The work is to be performed by or has been ordered to be performed by an agency of the Commonwealth of Massachusetts or a political subdivision thereof;
- b) Advance written notice, has been given to the Commission prior to commencement of work, within 24 hours or at the latest by the end of the following work day;
- c) The Commission or its agent certifies the work as an emergency project;
- d) The work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency;
- e) Within 21 days of commencement of an emergency project as determined by the Conservation Commission a Notice of Intent shall be filed with the Conservation Commission for review as provided in this ordinance.

- f) Normal operation and maintenance of agricultural land.

Upon failure to meet these and other requirements of the Commission, the Commission may after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures. Other than as stated in this section, the exceptions provided in MGL C. 131, Sec. 40 (Wetlands Protection Act) shall not apply.

#### Section 4. Permit Applications and Requests for Determinations

**ROLL CALL VOTE: REQUIRES MAJORITY VOTE OF FULL COUNCIL (5)**



A Notice of Intent under MGL C. 131, Sec. 40 (Wetlands Protection Act) shall be filed with the Conservation Commission to perform activities regulated by this ordinance affecting resource areas protected by this ordinance. The Notice of Intent shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment. No activities shall commence without receiving and complying with an Order of Conditions issued pursuant to this ordinance and MGL C. 131, Sec. 40.

Any person desiring to know whether or not proposed activity or any area is subject to this ordinance may request a Determination from the Commission. A request for Determination of Applicability shall contain data and plans specified by the regulations of the Commission.

At the time of filing a Notice of Intent or request for a Determination, the applicant shall pay a filing fee specified in the regulations of the commission, or as specified in MGL C. 131, Sec. 40 (Wetlands Protection Act and 310 CMR 10, as amended August 1989 and November, 1989), whichever is larger. The Commission may waive the filing fee for a Notice of Intent or request filed by a government agency.

## **Section 5. Notices and Hearings**

At the same time any person files an application or a request for Determination with the Conservation Commission, he/she shall give written notice thereof, by certified mail, to all abutters according to the most recent records of the Assessors, including those across a traveled way, a body of water, or a town line. The notice to abutters shall enclose a copy of the application or request, with plans, or shall state where copies may be examined by abutters. When a person requesting a determination is other than the owner(s), the request, the notice of the hearing and determination itself shall be sent by the Commission to the owner(s) as well as to the person making the request. The Commission shall conduct a public hearing on any application or request for determination, with written notice given, by the applicant at the expense of the applicant, in a newspaper of general circulation in the Town at least five working days prior to the hearing.

The Commission shall commence the public hearing within 21 days of recorded receipt of a completed application or request for determination and shall issue its determination in writing within 21 days of the close of said public hearing. An application or request may be rejected as incomplete by the Commission if the application or request is not filed with, the applicable filing fee and advertising fee. In an appropriate case, the Commission may combine its hearing under this ordinance with the hearing conducted under MGL C. 131, Sec. 40 (Wetlands Protection Act).

The Commission shall have authority to continue any hearing to a certain date announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant and deemed necessary by the Commission in its discretion, or comments and recommendations of other Town boards and officials. If the applicant objects to a continuation or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

## **Section 6. Permits, Determinations and Conditions**

If, after a public hearing, the Conservation Commission determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the wetland values protected by this ordinance, the Commission shall, within 21 days of the close of the hearing, issue or deny a permit for the activities proposed. If it issues a permit, the Commission shall impose conditions which it deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

The Commission is empowered to deny a permit for the following reasons:

- a) Failure to meet the requirements of this Ordinance;
- b) Failure to submit necessary information and/or plans requested by the Commission;
- c) Failure to meet the design specifications, performance standards and other requirements in the regulations of the Commission;
- d) Failure to avoid or prevent unacceptable significant or cumulative effects upon the wetland values protected by this ordinance;

**ROLL CALL VOTE: REQUIRES MAJORITY VOTE OF FULL COUNCIL (5)**

e) Where no conditions would adequately protect the wetland values protected by this ordinance. Due consideration shall be given to demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

A permit shall expire three years from the date issued. Any permit may be renewed once for an additional two year period, provided that a written request for renewal is received by the Commission at least 30 days prior to the expiration date.

Any permit issued under this ordinance may be revoked or modified by the Commission for good cause after public notice, public hearings and notice to the holder of the permit.

In an appropriate case, the Commission may combine the permit or other action on an application issued under this ordinance with the Order of Conditions issued under the Wetlands Protection Act.

## **Section 7. Regulations**

After public notice and public hearing, the Conservation Commission shall promulgate rules and regulations to achieve the purposes and objectives of this ordinance. Failure by the Commission 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 this ordinance.

## **Section 8. Definitions**

The following definitions shall apply in the interpretation and implementation of this ordinance:

The term, "person", shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth of Massachusetts or political subdivision thereof to the extent subject to Town ordinances, administrative agency, public or quasi-public corporation or body, the Town of Bridgewater and any other legal entity, its legal representatives, agents or assigns.

The term, "alter", shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this ordinance:

- a) Removal, excavation or dredging of soil, sand, loam, peat, gravel or aggregate materials of any kind;
- b) Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns of flood retention characteristics;
- c) Drainage or other disturbance of water level or water table;
- d) Dumping, discharging or filling with any material which may degrade water quality;
- e) Placing of fill, or removal of material, which would alter elevation(s);
- f) Driving of piles, erection, alteration or repair of buildings or structures of any kind;
- g) Placing of obstructions or objects in water;
- h) Destruction of plant life, including cutting of trees;
- i) Changing water temperature, biochemical oxygen demand or other physical or chemical characteristics of water;
- j) Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater.

## **Section 9. Security**

As part of a permit issued under this ordinance, in addition to any security required by any other Town or State board, agency or official, the Conservation Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

- a) By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission;

- b) By a Conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the Town of Bridgewater whereby the permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed.

#### **Section 10. Enforcement**

The Conservation Commission, its agents, officers, and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may make or cause to be made such examination, surveys or sampling as the Commission deems necessary.

The Commission shall have the authority to enforce this ordinance, its regulation, and permits issued thereunder by violation notice, cease and desist orders, administrative orders, and civil and criminal court actions.

Upon request of the Commission, the Town Manager shall take legal action for enforcement under Civil Law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under Criminal Law.

Town boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

#### **Section 11. Burden of Proof**

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the wetland values protected by this ordinance. Failure to provide adequate evidence to the Conservation Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

#### **Section 12. Certificate of Compliance**

A Certificate of Compliance shall be issued by the Conservation Commission upon the request of the applicant of property owner after construction has been completed in accordance with the applicable Order of Conditions. Request for such Certificate must be filed with the Commission in writing, at least fifteen (15) days prior to the actual date the Certificate is needed.

#### **Section 13. Relation to the Wetlands Protection Act**

This ordinance is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, independent of M.G.L. Ch. 131, S 40 (The Wetlands Protection Act) and regulations thereunder.

#### **Section 14. Severability**

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.



## Bridgewater Town Council

In Town Council, Tuesday, February 28 2017

Council Ordinance: D-2016-007

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Introduced By:	Councilor Peter Colombotos
Date Introduced:	December 6, 2016
First Reading:	December 6, 2016
Second Reading:	January 24, 2017
Amendments Adopted:	January 24, 2017
Third Reading:	February 28, 2017
Date Adopted:	February 28, 2017
Date Effective:	March 31, 2017

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### Proposed Ordinance D-2016-007

#### ZONING ORDINANCE – ELM STREET RETAIL OVERLAY

**ORDERED** that; the Town Council of the Town of Bridgewater, Massachusetts in Town Council assembled vote to amend the Bridgewater Zoning Bylaws, as follows:

AMEND:

E	PRINCIPAL USES	RES A/B	RES C	RES D	CBD	SBD	BUS B	GATE WAY	EAST GATE WAY	IND A	IND B	IND E	PD	MHE C	ERO
16	Registered Marijuana Dispensary RMD (Medical Marijuana Treatment Center)	N	N	N	N	N	N	N	N	N	N	N	N	N	SP

AMEND:

21.01 A Medical Marijuana Treatment Center is hereby allowed by special permit in the designated ERO zoning overlay district.

ADD:

3.36 Elm Retail Overlay (ERO) District

The Elm Retail Overlay zoning district is a commercial district along the Elm St corridor that allows medical marijuana treatment center also known as registered medical marijuana dispensaries. The boundaries of the ERO are outlined within the appendix herein.

#### Committee Referrals and Dispositions:

Referral(s)	Disposition(s)
<ul style="list-style-type: none"><li>Referred to Planning Board and Community &amp; Economic Development Committee for required Public Hearing</li><li>This measure has been duly advertised in the Enterprise.</li></ul>	<ul style="list-style-type: none"><li><b>1/18/17:</b> After public hearing, unanimous vote by both Planning Board and Community &amp; Economic Development Committee to recommend ordinance with proposed amendments.</li></ul>

**In accordance with the applicable provisions of the Town of Bridgewater Home Rule Charter and Town Council Rules and Procedures, the Town Council assembled voted, at their meeting on Tuesday, February 28, 2017, to approve the aforementioned Ordinance by a Roll Call vote (7-0) (Councilors Haley and Fitzgibbons absent).**

A TRUE COPY ATTEST:

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Ann M. Holmberg  
Town Council Clerk